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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, all the times and seasons are in Your hands because all is fixed by You in the laws of nature.

But through natural disasters, Lord, many people have recently suffered great losses due to hurricanes and earthquakes. Have mercy on them all. Even as we continue to pray and assist those already afflicted and in great need, we now are aware of another approaching storm named Wilma.

Lord, help all those who prepare for the worst. In their fear and anxiety keep them safe, law abiding, and compassionately concerned for others.

Lord, steer this storm away from our shores, and let Your powerful Word calm the sea and bring to Your people a sigh of relief.

This we hope and pray by calling upon Your Holy Name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. GENE GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GENE GREEN of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an

amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3204. An act to amend title XXVII of the Public Health Service Act to extent Federal funding for the establishment and operation of State high risk health insurance pools.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

S. 1894. An act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

The message also announced that pursuant to Public Law 109-59, section 1909(b)(2)(A)(vi), the Chair, on behalf of the Democratic Leader, appoints the following individuals to serve as members of the National Surface Transportation Policy and Revenue Study Commission:

Francis McArdle of New York.

Tom R. Skancke of Nevada.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize up to 10 one-minutes on each side.

REDUCING COSTS IN MEDICARE AND MEDICAID SPENDING

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, 80 percent of the Nation's total medical care costs, including Medicaid expenditures, are spent in the treatment of chronic conditions such as diabetes, arthritis, and cardiovascular disease. Chronic disease often involves multiple diagnoses, hospitalizations, tests, and treatments. All of this is expensive and

complex, and as health care costs soar we can save lives and money using better patient management.

Under patient care management plans, patients are monitored by nurses to coordinate their complex care, monitor prescription use, watch out for problems, and empower patients to get involved in their own care. Money spent up front dramatically lowers health care costs and, most importantly, improves patient outcome.

A patient management program at the Washington Hospital in southwestern Pennsylvania taught patients to self-manage their disease through diet, lifestyle changes, medication monitoring, and depression screening. The result has been a remarkable 50 percent decrease in hospital readmission rates.

I urge my colleagues to learn more about reducing costs in Federal Medicare and Medicaid spending through better patient care management programs by visiting my Web site at murphy.house.gov.

CONGRATULATING NATIONAL LEAGUE CHAMPION HOUSTON ASTROS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise this morning to congratulate the Houston Astros, the major league baseball team which last night defeated the St. Louis Cardinals to earn the right to go to the 2005 World Series. This is the first World Series for the City of Houston and the first World Series for the State of Texas. The Astros and the Texas Rangers were founded in 1962 and 1961 respectively.

Also, first congratulating the team for its hard work and dedication, I want to express thanks to our owner

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Drayton McLane, who has been a tremendous asset to the City of Houston. It was an honor to work closely with him on the Harris County Sports Authority to build what is now Minute Maid Park to replace the historic Houston Astrodome.

I want to salute Tal Smith, who is a great part of the Astros' organization since the beginning when they were the Colt 45's. As the President of Baseball Operations, he has been an integral part of the entire organization.

The Houston Astros do not have one of the highest payrolls in baseball, so the fact that they are now in the World Championship is a tribute to our general manager Tim Lincecum and also our manager Phil "Scrap Iron" Garner, who actually played for the Astros years ago. It is good to have him back home.

Many of the 2005 National League Champion Houston Astros are products of our minor league farm system, not high-priced free agents, including the winner of last night's game, Roy Oswalt. The Astros were the best team in baseball for the month of July and never looked back. Now they are the best team in the National League and look forward to taking on the White Sox in the 2005 World Series, Mr. Speaker.

In addition we have a lot of homegrown talent. Craig Biggio, Jeff Bagwell, Roger Clemens and Andy Pettitte, again, are some of our great players along with the whole team. Again, congratulations, and I yield back my time Mr. Speaker.

ANNOUNCING PREMIER OF "HUMAN TRAFFICKING" ON LIFETIME TV NETWORK

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. "Do you think it is possible when you have lost your humanity to ever find it again?"

So asks Helena, a fictitious but all too real human trafficking victim from Prague after describing how she was raped and abused to ICE law enforcement agent Kate Morozov, played brilliantly by Academy Award-winning actress Mira Sorvino in Lifetime TV Network's mini series Human Trafficking, to be aired next week.

My wife Marie and I have watched the entire trafficking movie last night, and we were moved to tears by this extraordinarily accurate portrayal of sex slavery from the eyes of victims, and the dedicated law enforcement agents trying to effectuate their rescue.

My wife and I and my staff have been fighting sex trafficking, Mr. Speaker, since the late 1990s, when there was utter disbelief about whether or not it even existed. Sadly, it does. I would note parenthetically that I am the prime sponsor of the Trafficking Victims Protection Act of 2000, a comprehensive landmark law that provides

for prevention, protection or victims, and prosecution and incarceration of the traffickers. I also sponsored the TPVA Reauthorization Act of 2003 as well as pending Legislation—H.R. 972.

The movie tells the individual stories of exploited young women and girls from the Czech Republic, Ukraine, Philippines, Romania, Russia, and a 12-year-old girl, an American girl, Annie Gray, who was abducted by traffickers in Manila. ICE agent in charge Donald Sutherland joins Sorvino in bringing down a powerful but clever sex trafficking boss and others who use force, fraud, coercion, and even murder to enslave women.

It is time, Mr. Speaker, that the ignorance, the indifference and complicity in human trafficking came to an end. Every year 800,000 people are trafficked around the world. Millions more are trafficked intra-country. And up to 18,000 are trafficked into the U.S. each year. Watch this powerful movie next week, Lifetime TV, 9 p.m., Monday and Tuesday.

CONGRATULATING NATIONAL LEAGUE CHAMPION HOUSTON ASTROS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are days that we can come to this floor and obviously raise issues of great concern to America and Americans. But I would like to think that we can also come to this floor and celebrate a joyous family of great ball players in a city that has longed for a winner in American baseball history. And, yes, founded in 1962, the Houston Astros have won the place to play in the World Series. And so I say: Go Astros. And I say thank you to a great city of fans, Houston, Texas, to the Drayton McLane family. Mr. and Mrs. McLane and their children have been a wonderful addition to Houston. They love their team, they love their city. To their staff, to the pitching staff like Clemens and Pettite and Oswalt. To Bagwell and Biggio. And, of course, to all the old players, or they will not want to be called old but to Enos Cabell and many others.

We know that we have got a tough road ahead to go to the World Series, but who can beat a team who was down on Monday night and came back and won 5-1. All we can say is it is about family values. And when I say family values, it is about a family of players who are committed and dedicated to their tasks and who never gave up. Houstonians did not give up, Mr. Speaker, and so I am here this morning to say: Go Astros. Go Astros.

HONORING THE LIFE OF MS. BETTY LYNN REAGAN

(Mr. BOOZMAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the life of a dedicated educator, Ms. Betty Lynn Reagan, who passed away earlier this month. For 47 years, Ms. Reagan taught school in Rogers, Arkansas. As a former member of the Rogers School Board and the father of three daughters who attended public schools there, I can personally attest to the impact Ms. Reagan had on the lives of her students. She was greatly respected in the classroom, in the education community and the community at large.

Throughout her career, Ms. Reagan received a number of awards and commendations, including induction into the Education Hall of Fame in 1995. However, the most notable came in 1989, when the community renamed a school for her and her sister Mary Sue, also a long time teacher and outstanding educator. Reagan Elementary will serve as a reminder for future generations of the impact that Betty Lynn and Mary Sue Reagan have had on our community.

Mr. Speaker, Betty Lynn Reagan will certainly be missed. However, her legacy will live on for generations to come. Rogers School District Superintendent Janie Darr summed it up best when she said: Because of Betty Lynn, the School District and the City of Rogers is a much, much better place.

I thank my colleagues for the opportunity to honor and celebrate the life of this wonderful woman.

REPUBLICAN BUDGET CUTS

(Ms. KILPATRICK of Michigan asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK of Michigan. Mr. Speaker, this week we were to take up the Republican leadership budget bill that would have cut student loans, rural and agricultural programs, LIHEAP low energy assistance programs, and other major programs in our Federal budget that the American people depend on. I am happy to report at this moment they have postponed that legislation just for today.

We want Americans all over to speak up and to contact your Congresspeople. This is not the time to cut vital human family programs like student aid, like rural and agricultural development, like food stamps, and like low energy assistance programs. Do we have problems in America? Yes, we do. But we hope our Republican leadership will not bring a budget resolution forward that will further decimate and hurt families. At a time when many manufacturing jobs have been lost in America, in my own State of Michigan, the highest unemployment State in the country, this is not the time to cut vital programs. It is time, though, not to have a \$1.7 trillion cost for a tax cut for the wealthiest of Americans.

Speak up, America. Let your voice be heard.

SPENDING REDUCTIONS

□ 1015

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, if House liberals had their way, last year we would have spent billions more. I want every taxpayer across America to know that it is this Republican leadership and Republican majority that is talking about spending cuts, spending less, not the Democrats. It is this Republican majority that is talking about continued tax relief for hardworking American families, not the Democrats.

You are going to hear the Democrats say, well, those Republicans, they didn't invite us to come participate in talking about spending cuts, to talk about reducing Federal spending. Mr. Speaker, I hope they will consider this the invitation: Come join us. We would love to have all your input and ideas.

So from this point on, they can stop talking about how we need to spend more and help us find ways to be better stewards and spend less. Let us be frank. The Democrat solution, raising taxes, is not a solution. This government does not have a revenue problem. This government has a spending problem. Mr. Speaker, we invite them to join us.

NEED FOR A CHANGE IN WASHINGTON (CULTURE OF CORRUPTION CANNOT CONTINUE)

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, the American people want change here in Washington, DC. Over the last couple of months, they have seen the headlines of scandal in the ranks of the House and Senate Republican leadership. They have seen the continuing scandal at the White House that should lead to the firing of Karl Rove and Scooter Libby. They have seen that the President's cronies are now entrenched in important government agencies and some of them are as unprepared for their jobs as Michael Brown was at FEMA.

The American people want to know when Republicans here in Washington are finally going to stop doing the bidding of the wealthiest elite and start focusing on issues more important to them. They are concerned about an economy where their paychecks are not rising as high or as fast as the cost of living. They are also wondering how they are going to continue to afford their health care premiums, gas for their cars, and heat for their homes in the winter.

They look to Washington and correctly see that House Republicans refuse to even consider their concerns. Republicans are simply too busy helping their friends. It is time for a change all right, and Democrats are ready to lead by providing creative solutions to our Nation's needs.

STEALING THE FEDERAL WAY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, tattoos, lingerie, Ozzie Osbourne concert tickets, gambling, cruises, exotic dance clubs, prostitutes, and new sports cars. Members may ask what this list is. No, it is not Larry Flynt's Christmas wish list. These are examples of purchases made on Federal credit cards by Federal employees for which American taxpayers picked up the bill; they always do.

Today I have introduced the Government Credit Card Sunshine Act. This act is simple. It requires every government credit card bill to be posted on the government Inspector General's Web site within 15 days of its use. It also states that Federal employees whose credit card abuse is more than \$500 shall face immediate dismissal, be forced to repay the bill, and sometimes return the items. This serious scandal is stealing and is unacceptable behavior. We are now going to hold Federal employees accountable for ripping off America. So no more abusing the Federal credit card at the taxpayers' expense; otherwise, pack your toothbrush, you are out of here.

H.R. 3966, SLICE ACT

(Mr. UDALL of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, we need to change our budget policies. We should use the better, the fairer, and the more bipartisan approach to spending cuts that would come from passing H.R. 3966. That is a bill I introduced with the gentleman from Ohio (Mr. CHABOT), the gentleman from Arizona (Mr. FLAKE), and the gentleman from Colorado (Mrs. MUSGRAVE).

It is called the Stimulating Leadership and Cutting Expenditures Act, or SLICE for short. SLICE would require an up-or-down vote on each specific cut the President proposes in the recently passed transportation bill and current appropriations bills. It is a workable and constitutional alternative to the line item veto designed to enable Presidential leadership and require congressional accountability.

Mr. Speaker, before we cut critical health care, education and other programs that help working Americans, let us work in a bipartisan way to consider other cuts. Let us pass H.R. 3966 and slice the budget the right way.

INCREASED FUNDING FOR LIHEAP NEEDED

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to bring attention to a problem that many Americans are facing as we approach winter: the cost of heating their homes.

The U.S. Energy Information Administration recently projected that the cost of heating a home this winter, regardless of the type of fuel, will increase dramatically from last year. In order to counteract this dramatic spike in energy costs, we need to increase funding for the Low Income Home Energy Assistance Program, or LIHEAP. It is a tremendously successful program that enables States to provide low-income families with energy assistance.

In my State of New Hampshire, LIHEAP funding helps people afford to heat their homes and not have to make the difficult choices of paying their rent, of buying food and medications, or keeping their homes warm.

In order to simply meet last year's purchasing power, we must increase LIHEAP funding by \$1.276 billion. This is an issue that crosses State and party lines and one that needs to be addressed immediately.

Mr. Speaker, let us act today to increase this funding before Hurricane Katrina claims more victims this winter.

HELPING MOTHERS SUFFERING FROM POSTPARTUM DEPRESSION

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, this morning we learned that a 23-year-old mother threw her three children off a pier in San Francisco killing them all. Apparently she heard voices that told her to commit this unthinkable act.

Mr. Speaker, we do not know yet whether this woman suffered from a most severe form of postpartum disorder known as postpartum psychosis. We do know that postpartum depression and psychosis can emerge even a year after a child's birth.

That is why for the last three Congresses I have introduced the Melanie Blocker Stokes Postpartum Depression Research and Care Act, H.R. 1940. My bill would direct funds to researching this misunderstood disorder, and it would also provide grants for services and care for mothers who suffer from postpartum depression.

I urge all of my colleagues in the House to cosponsor this important bill. What happened in San Francisco happens way too often in this Nation, and we must do what we can to prevent similar tragedies in the future. The mothers of America desperately need this Congress to recognize this deadly malady and pass H.R. 1940.

JUSTICE FOR SADDAM HUSSEIN

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the war on terror is slow going. In Iraq, suicide bombers and terrorists continue to spread fear across the Sunni provinces in the center of the country. Many of our soldiers have made the ultimate sacrifice. Some folks here at home wonder where the war is going.

It is important to step back and look at the big picture. Just this week, millions of Iraqis have once again exercised the right to vote, a right denied them for decades. And yesterday, the Tyrant of Baghdad was brought to trial.

Two things we take for granted here at home: the right to choose our own government and the guarantee of real justice in a court of law. Saddam Hussein is at long last standing trial for his crimes against humanity. The chickens are coming home to roost for those who have painted the past with blood, and the people of Iraq with their ink-stained fingers are creating a new tomorrow according to popular will.

No matter how difficult life remains in Baghdad and the Anbar Province, the future is now full of hope.

Mr. Speaker, we are the good guys in this war. We are helping create a better world. God bless our troops and the citizens of the new Iraq.

ASSISTANCE FOR AMERICA'S POOR

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, the Republicans have decided not to bring the bill to the House floor today which would slash Medicaid, slash programs for student loans, slash programs for poor people because many conservatives say they are not cutting enough programs for poor people, all to protect tax breaks for the wealthiest Americans. All to protect tax breaks for the wealthiest Americans. And what is the excuse they have used? Hurricane Katrina.

That is why they must cut more programs for poor people, because they do not want to cut the tax cuts, and now they want to delay because Hurricane Wilma is on the way, and the Republicans are saying, Let us wait until the weekend is over and see how big that hurricane is, and then we will be able to cut more programs for poor people, more programs for those most in need in our society, rather than touching those tax breaks for the wealthiest in our country.

Mr. Speaker, hurricanes are the greatest friend conservative Republicans ever had to hurt the poorest people in the country and protect the wealthiest.

COMMENDING CENTURY COUNCIL

(Ms. ROS-LEHTINEN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise on behalf of the Congressional Hispanic Conference to recognize the Century Council and Nickelodeon for their creation of an innovative new program to educate middle school kids about underaged drinking.

The Century Council is a national not-for-profit organization funded by America's leading distillers to develop and implement programs designed to combat drunk driving and underaged drinking.

The Congressional Hispanic Conference has teamed up with Century Council and Nickelodeon to launch Ask, Listen, Learn: Kids and Alcohol Do Not Mix. The program helps adults and children communicate early and often about this important issue in a format and a language designed specifically for them.

I commend the Century Council and Nickelodeon for giving Hispanic parents and children across the Nation such a valuable communications tool to initiate these critically important discussions regarding the dangers of alcohol.

NO NEW TAX ON HOMEOWNERSHIP

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARRETT of New Jersey. Mr. Speaker, the cost to buy a new home is about to go up in America. Why is that? Because as soon as next week, Congress is about to vote on placing a new tax on homeownership, a tax that may well raise the cost for the average American who wants to buy their new home.

Years ago, Congress set up Fannie Mae and Freddie Mac with the noble intent to add liquidity to the marketplace and help home buyers. But in an about-face, Congress is about to impose a new tax and at the same time fail to address an inherent flaw in the current system.

Mr. Speaker, legislation before the House would allow Fannie Mae and Freddie Mac to continue to rack up debt on their balance sheets with no limits. These are the same organizations that have been wracked with financial accounting scandals, may have 1.5 to \$1.7 trillion on their balance sheets right now. I say "may" because no one can get a clear financial picture from these entities.

Alan Greenspan has testified to this problem repeatedly, noting that without restriction on the size of the GSE balance sheets, we put at risk our ability to preserve safe and sound financial markets in the United States. American homeowners deserve better. We need to help them and not hurt them.

DEMOCRATS NEED A NEW PLAY

(Ms. FOXX asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today as a fiscal conservative to set the record straight that Republicans are the party of fiscal discipline. Earlier this year, Republicans passed the budget that cut \$100 billion from the deficit. What did Democrats do? They refused to vote for the budget, another act in their play of obstruction.

Republicans have recommended 98 programs be terminated for a total savings of more than \$4.3 billion. And under Republican leadership, domestic discretionary spending is currently on track to be below last year's levels. What have the Democrats done? Over the last 3 years they have attempted to bust the discretionary budget in the appropriations process by more than \$60 billion. They hope to finance this by raising taxes on small businesses.

So it is not surprising at a time when we must be watchful of taxpayer dollars the Democrats have turned to their playbook and called up one of their favorites, the old tax and spend.

It is time for the Democrats to come up with a new play. In 1997, 51 Democrats had the courage to help Republicans pass the last major entitlement reform bill. I hope they can find that courage again.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 493, I call up the Senate bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection of Lawful Commerce in Arms Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.

(4) The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(5) Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition products that have been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended.

(6) The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our Nation's laws, threatens the diminution of a basic constitutional right and civil liberty, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in the free enterprise system of the United States, and constitutes an unreasonable burden on interstate and foreign commerce of the United States.

(7) The liability actions commenced or contemplated by the Federal Government, States, municipalities, and private interest groups and others are based on theories without foundation in hundreds of years of the common law and jurisprudence of the United States and do not represent a bona fide expansion of the common law. The possible sustaining of these actions by a maverick judicial officer or petit jury would expand civil liability in a manner never contemplated by the framers of the Constitution, by Congress, or by the legislatures of the several States. Such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United States under the Fourteenth Amendment to the United States Constitution.

(8) The liability actions commenced or contemplated by the Federal Government, States, municipalities, private interest groups and others attempt to use the judicial branch to circumvent the Legislative branch of government to regulate interstate and foreign commerce through judgments and judicial decrees thereby threatening the Separation of Powers doctrine and weakening and undermining important principles of federalism, State sovereignty and comity between the sister States.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To prohibit causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products, and their trade associations, for the harm solely caused by the criminal or unlawful misuse of firearm products or ammunition products by others when the product functioned as designed and intended.

(2) To preserve a citizen's access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(3) To guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section 5 of that Amendment.

(4) To prevent the use of such lawsuits to impose unreasonable burdens on interstate and foreign commerce.

(5) To protect the right, under the First Amendment to the Constitution, of manufacturers, distributors, dealers, and importers

of firearms or ammunition products, and trade associations, to speak freely, to assemble peaceably, and to petition the Government for a redress of their grievances.

(6) To preserve and protect the Separation of Powers doctrine and important principles of federalism, State sovereignty and comity between sister States.

(7) To exercise congressional power under art. IV, section 1 (the Full Faith and Credit Clause) of the United States Constitution.

SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL LIABILITY ACTIONS IN FEDERAL OR STATE COURT.

(a) **IN GENERAL.**—A qualified civil liability action may not be brought in any Federal or State court.

(b) **DISMISSAL OF PENDING ACTIONS.**—A qualified civil liability action that is pending on the date of enactment of this Act shall be immediately dismissed by the court in which the action was brought or is currently pending.

SEC. 4. DEFINITIONS.

In this Act:

(1) **ENGAGED IN THE BUSINESS.**—The term “engaged in the business” has the meaning given that term in section 921(a)(21) of title 18, United States Code, and, as applied to a seller of ammunition, means a person who devotes, time, attention, and labor to the sale of ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of ammunition.

(2) **MANUFACTURER.**—The term “manufacturer” means, with respect to a qualified product, a person who is engaged in the business of manufacturing the product in interstate or foreign commerce and who is licensed to engage in business as such a manufacturer under chapter 44 of title 18, United States Code.

(3) **PERSON.**—The term “person” means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(4) **QUALIFIED PRODUCT.**—The term “qualified product” means a firearm (as defined in subparagraph (A) or (B) of section 921(a)(3) of title 18, United States Code), including any antique firearm (as defined in section 921(a)(16) of such title), or ammunition (as defined in section 921(a)(17)(A) of such title), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

(5) **QUALIFIED CIVIL LIABILITY ACTION.**—

(A) **IN GENERAL.**—The term “qualified civil liability action” means a civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief resulting from the criminal or unlawful misuse of a qualified product by the person or a third party, but shall not include—

(i) an action brought against a transferor convicted under section 924(h) of title 18, United States Code, or a comparable or identical State felony law, by a party directly harmed by the conduct of which the transferee is so convicted;

(ii) an action brought against a seller for negligent entrustment or negligence per se;

(iii) an action in which a manufacturer or seller of a qualified product knowingly violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought, including—

(I) any case in which the manufacturer or seller knowingly made any false entry in, or

failed to make appropriate entry in, any record required to be kept under Federal or State law with respect to the qualified product, or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a qualified product; or

(II) any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a qualified product, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under subsection (g) or (n) of section 922 of title 18, United States Code;

(iv) an action for breach of contract or warranty in connection with the purchase of the product;

(v) an action for death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense then such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage; or

(vi) an action or proceeding commenced by the Attorney General to enforce the provisions of chapter 44 of title 18 or chapter 53 of title 26, United States Code.

(B) **NEGLIGENT ENTRUSTMENT.**—As used in subparagraph (A)(ii), the term “negligent entrustment” means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

(C) **RULE OF CONSTRUCTION.**—The exceptions enumerated under clauses (i) through (v) of subparagraph (A) shall be construed so as not to be in conflict, and no provision of this Act shall be construed to create a public or private cause of action or remedy.

(D) **MINOR CHILD EXCEPTION.**—Nothing in this Act shall be construed to limit the right of a person under 17 years of age to recover damages authorized under Federal or State law in a civil action that meets 1 of the requirements under clauses (i) through (v) of subparagraph (A).

(6) **SELLER.**—The term “seller” means, with respect to a qualified product—

(A) an importer (as defined in section 921(a)(9) of title 18, United States Code) who is engaged in the business as such an importer in interstate or foreign commerce and who is licensed to engage in business as such an importer under chapter 44 of title 18, United States Code;

(B) a dealer (as defined in section 921(a)(11) of title 18, United States Code) who is engaged in the business as such a dealer in interstate or foreign commerce and who is licensed to engage in business as such a dealer under chapter 44 of title 18, United States Code; or

(C) a person engaged in the business of selling ammunition (as defined in section 921(a)(17)(A) of title 18, United States Code) in interstate or foreign commerce at the wholesale or retail level.

(7) **STATE.**—The term “State” includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(8) **TRADE ASSOCIATION.**—The term “trade association” means—

(A) any corporation, unincorporated association, federation, business league, professional or business organization not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(B) that is an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(C) 2 or more members of which are manufacturers or sellers of a qualified product.

(9) **UNLAWFUL MISUSE.**—The term “unlawful misuse” means conduct that violates a statute, ordinance, or regulation as it relates to the use of a qualified product.

SEC. 5. CHILD SAFETY LOCKS.

(a) **SHORT TITLE.**—This section may be cited as the “Child Safety Lock Act of 2005”.

(b) **PURPOSES.**—The purposes of this section are—

(1) to promote the safe storage and use of handguns by consumers;

(2) to prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun; and

(3) to avoid hindering industry from supplying firearms to law abiding citizens for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(c) **FIREARMS SAFETY.**—

(1) **MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.**—Section 922 of title 18, United States Code, is amended by inserting at the end the following:

“(z) **SECURE GUN STORAGE OR SAFETY DEVICE.**—

“(1) **IN GENERAL.**—Except as provided under paragraph (2), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under this chapter, unless the transferee is provided with a secure gun storage or safety device (as defined in section 921(a)(34)) for that handgun.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to—

“(A)(i) the manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a handgun; or

“(ii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

“(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

“(C) the transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

“(D) the transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

“(3) **LIABILITY FOR USE.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to

immunity from a qualified civil liability action.

“(B) **PROSPECTIVE ACTIONS.**—A qualified civil liability action may not be brought in any Federal or State court.

“(C) **DEFINED TERM.**—As used in this paragraph, the term ‘qualified civil liability action’—

“(i) means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, if—

“(I) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

“(II) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device; and

“(ii) shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.”.

(2) **CIVIL PENALTIES.**—Section 924 of title 18, United States Code, is amended—

(A) in subsection (a)(1), by striking “or (f)” and inserting “(f), or (p)”; and

(B) by adding at the end the following:

“(p) **PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.**—

“(1) **IN GENERAL.**—

“(A) **SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.**—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

“(i) suspend for not more than 6 months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

“(ii) subject the licensee to a civil penalty in an amount equal to not more than \$2,500.

“(B) **REVIEW.**—An action of the Secretary under this paragraph may be reviewed only as provided under section 923(f).

“(2) **ADMINISTRATIVE REMEDIES.**—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) shall not preclude any administrative remedy that is otherwise available to the Secretary.”.

(3) **LIABILITY; EVIDENCE.**—

(A) **LIABILITY.**—Nothing in this section shall be construed to—

(i) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(ii) establish any standard of care.

(B) **EVIDENCE.**—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action relating to section 922(z) of title 18, United States Code, as added by this subsection.

(C) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 6. ARMOR PIERCING AMMUNITION.

(a) **UNLAWFUL ACTS.**—Section 922(a) of title 18, United States Code, is amended by striking paragraphs (7) and (8) and inserting the following:

“(7) for any person to manufacture or import armor piercing ammunition, unless—

“(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

“(B) the manufacture of such ammunition is for the purpose of exportation; or

“(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General;

“(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—

“(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

“(B) is for the purpose of exportation; or

“(C) is for the purpose of testing or experimentation and has been authorized by the Attorney General;”.

(b) **PENALTIES.**—Section 924(c) of title 18, United States Code, is amended by adding at the end the following:

“(5) Except to the extent that a greater minimum sentence is otherwise provided under this subsection, or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries armor piercing ammunition, or who, in furtherance of any such crime, possesses armor piercing ammunition, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime or conviction under this section—

“(A) be sentenced to a term of imprisonment of not less than 15 years; and

“(B) if death results from the use of such ammunition—

“(i) if the killing is murder (as defined in section 1111), be punished by death or sentenced to a term of imprisonment for any term of years or for life; and

“(ii) if the killing is manslaughter (as defined in section 1112), be punished as provided in section 1112.”.

(c) **STUDY AND REPORT.**—

(1) **STUDY.**—The Attorney General shall conduct a study to determine whether a uniform standard for the testing of projectiles against Body Armor is feasible.

(2) **ISSUES TO BE STUDIED.**—The study conducted under paragraph (1) shall include—

(A) variations in performance that are related to the length of the barrel of the handgun or center-fire rifle from which the projectile is fired; and

(B) the amount of powder used to propel the projectile.

(3) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit a report containing the results of the study conducted under this subsection to—

(A) the chairman and ranking member of the Committee on the Judiciary of the Senate; and

(B) the chairman and ranking member of the Committee on the Judiciary of the House of Representatives.

The **SPEAKER pro tempore** (Mr. SIMPSON). Pursuant to House Resolution 493, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 397, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 397, the Protection of Lawful Commerce in Arms Act. This legislation passed the Senate by more than a two-thirds vote this summer and contains the same legal reform provisions of H.R. 800 sponsored by the gentleman from Florida (Mr. STEARNS). The Committee on the Judiciary considered and favorably reported H.R. 800 in May of this year.

Just like H.R. 800 and similar legislation that passed the House by more than a two-thirds majority during the last Congress, S. 397 will stop frivolous and abusive lawsuits against manufacturers and sellers of firearms or ammunition by prohibiting lawsuits resulting from the criminal and unlawful misuse of their products from being filed in Federal and State courts.

It is important to stress at the outset what this legislation does not do. First, the legislation does not preclude lawsuits against a person who transfers a firearm or ammunition knowing it will be used to commit a crime of violence or drug-trafficking crime.

Second, it does not prevent lawsuits against a seller for negligent entrustment or negligence per se.

Third, the bill includes several additional exceptions, including an exception for actions in which a manufacturer or seller of a qualified product knowingly violates any State or Federal statute applicable to sales or marketing when such violation was the proximate cause of the harm for which relief is sought.

Finally, the bill contains additional exceptions for breach of contract or warranty in connection with the purchase of a firearm or ammunition, and an exception for actions for damages resulting directly from a defect in design or manufacture of a firearm or ammunition.

Recent trends in abusive litigation have inspired lawsuits against the firearms industry on the theory of liability that would hold it financially responsible for the actions of those who use their products in a criminal or unlawful manner. Such lawsuits threaten to rip tort law from its moorings in personal responsibility and may force firearms manufacturers into bankruptcy.

□ 1030

While some of these lawsuits have been dismissed and some States have

acted to address them, the fact remains that these lawsuits continue to be aggressively pursued. The intended consequences of these frivolous lawsuits could not be more clear: the financial ruin of the firearms industry. As one of the personal injury lawyers suing American firearms companies told the Washington Post, "The legal fees alone are enough to bankrupt the industry."

Lawsuits seeking to hold the firearms industry responsible for the criminal and unlawful use of its products are brazen attempts to accomplish through litigation what has not been achieved by legislation and the democratic process. Various courts have correctly described such suits as "improper attempts to have the court substitute its judgment for that of the legislature." As explained by another Federal judge, "the plaintiffs' attorneys simply want to eliminate handguns."

Personal injury lawyers are seeking to obtain through the courts stringent limits on the sale and distribution of firearms beyond the court's jurisdictional boundaries. A New York appeals court stated recently that "courts are the least suited, least equipped, and thus the least appropriate branch of government to regulate and micro-manage the manufacturing, marketing, distribution, and sale of handguns."

Law enforcement, military personnel rely on the domestic firearms industry to supply them with reliable and accurate weapons that can best protect them in the line of fire. The best and most reliable guns will not be those designed under the requirements personal injury attorneys seek to impose through firearms lawsuits. Rather, these lawsuits threaten to injure the domestic firearms industry, endanger the jobs of thousands of hard-working Americans, and provide to foreign manufacturers an unfair advantage.

One abusive lawsuit filed in a single county could destroy a national industry and deny citizens nationwide the right to keep and bear arms guaranteed by the Constitution. Insofar as these lawsuits have the practical effect of burdening interstate commerce in firearms, Congress has the authority to act under the commerce clause of the Constitution. The Lawful Commerce in Arms Act, by prohibiting abusive lawsuits against the firearms industry, supports core federalism principles articulated by the United States Supreme Court, which has made it clear that "one State's power to impose burdens on the interstate market . . . is not only subordinate to the Federal power over interstate commerce but is also constrained by the need to respect the interests of other States . . ."

Before closing, I think it is important to set the record straight on one item. Some news outlets have claimed that this legislation would have barred a lawsuit involving the D.C. sniper and the gun the sniper obtained after it was stolen from a Washington State gun shop that did not keep track of its inventory and did not realize that the guns were stolen.

Anyone who actually reads this bill will immediately realize that that claim is patently false, and it is important to note that some of the editorial pundits apparently do not believe in reading the bills before they write and publish. Under S. 397 a plaintiff would be permitted to conduct discovery to establish the facts and circumstances surrounding what happened to the firearm while in the possession, custody, and control of the dealer and how it came into the possession of the criminal shooters. A plaintiff would be permitted to have his or her day in court to try to establish whether the dealer knowingly violated or made any false entry in, or failed to make an appropriate entry in, his records, which he is required to keep pursuant to Federal law.

I have here a report of violations filed by the Bureau of Alcohol, Tobacco, and Firearms regarding the Washington State gun dealer. It contains a record of dozens of violations of Federal law and quoting the following: "The licensee's," that is, the dealer's, "bound books were examined and compared to the physical inventory. It was initially determined that there were approximately 300 unaccounted for firearms. These initial 300-plus unaccounted for firearms are considered instances of failure to timely record disposition information in the bound record book."

So under S. 397 a lawsuit against that dealer could go forward, and I include this report in the RECORD at this point. DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

REPORT OF VIOLATIONS

Name and Address of Proprietor: Borgelt, Brian & Carr, Charles N, Bulls Eye Shooters Supply, 114 Puyallup Ave., Tacoma, WA 98421.

License/Permit Registry Number (if any): 991053013E38708.

County (F&E only): Pierce.

Expiration Date (if any): 5/12/2003.

Date(s) or Period of Inspection: 10/25/2002 through 11/02/2002.

INSTRUCTIONS

Please write firmly with a ball point pen when completing this form. AFT officers will prepare this form in quadruplicate. The original copy and the suspense copy (where required) will be given to the proprietor or a responsible person representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files. Where corrective action cannot be taken during inspection, proprietors will submit the suspense copy to the Area Supervisor as soon as the required corrections have been made.

INSPECTION RESULTS

An examination of your premises, records and operations has disclosed the following violations which have been explained to you: Reference Number: 1.

Nature of Violation: 27 CFR section 178.124(a). Failure to maintain ATF F4473s recording firearm transfers to non-licensees.

Information obtained from the Washington Department of Licensing indicates 25 handgun transfers to nonlicensed individuals for which you had no completed ATF F4473s. Additionally, 5 firearms transfers to nonlicensed individuals were located in your

computer sales records for which you had no ATF Form 4473s.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall endeavor to locate the required disposition records, such as ATF F4473s, in order to show evidence that a proper transfer occurred.

Reference Number: 2.

Nature of Violation: 27 CFR section 178.124(b). Failure to keep ATF F4473s in alphabetical, chronological, or numerical order.

The inspection uncovered an area behind the store register where ATF F4473s were kept. The area comprised of one lateral file cabinet drawer and a stack of forms. There were 1257 unfilled ATF F4473s. Filing by stock # is not an acceptable method of filing ATF F4473s.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall immediately file ATF F4473s that were found unfilled during the inspection, including any future completed ATF F4473s.

Reference Number: 3

Nature Of Violation: 27 CFR section 178.124(c)(3)(iii). Failure to properly record on ATF F 4473 the date on which the licensee contacted the NICS, response provided by the system, and/or any identification number provided by the system.

There were 14 ATF F 4473s that did not record this information.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall ensure that the complete background check information is properly entered in the designated area on the ATF F 4473.

Reference Number: 4

Nature Of Violation: 27 CFR 178.125(e). Failure to record dispositions made in the bound books.

The licensee's bound books were examined and compared to the physical inventory. It was initially determined that there were approximately 300 unaccounted for firearms. These initial 300+ unaccounted for firearms are considered instances of failure to timely record disposition information in the bound record book.

Some ways of locating proper disposition of these missing firearms included: 70 ATF Forms 4473 filed that did not get properly entered as bound book dispositions; 25 handgun transactions determined through the State of Washington Dept. of Licensing with no bound book entries; at least 10 dispositions to other licensees unrecorded; and at least 6 dispositions to nonlicensees located in computer sales records that have no proper disposition.

Even after using various sources, 78 firearms remain missing at the close of this inspection with no idea of where they went. List provided to licensee.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall research and resolve all unaccounted open dispositions, and properly record the 70 ATF F 4473 dispositions into the bound books.

See attached list of 78 firearms unaccounted for and report them on an ATF F 3310.11, Licensee Theft/Loss Report.

See list of firearms that no ATF F 4473s have been located on but other records of transfer have been: such as 25 firearms identified by the Washington Department of Licensing and computer records indicating a sale but no other information in regards to the transfer.

In addition, the licensee will annotate the bound book disposition entries with date, name, and address and note that no ATF F 4473 exists.

Report Bushmaster rifle, model PCWA3X, Serial number L284320 on an ATF F F3310.11, Licensee Theft/Loss Report, and make note in the bound book.

I Have Received a Copy of This Report of Violations (Proprietor's signature and title):

Date:

Signature and Title of Inspection Officer: Sandra Y. Sherlock, ATF Inspector.

Date: 11/04/2002

PROPRIETOR'S CERTIFICATION

Note: Proprietors must notify the ATF official below when corrective actions required as a result of this inspection have been completed. Failure to notify ATF may subject proprietors to a recall inspection or to other administrative action.

Mail or Delivery to (Address): Area Supervisor, Bureau of Alcohol, Tobacco, and Firearms, 915 2nd Avenue, Room 790, Seattle, WA 98174.

CERTIFICATION

I certify that the corrective actions required as a result of this inspection have been completed.

Signature and Title of Proprietor:

Other Remarks

Mr. SENSENBRENNER. Mr. Speaker, this commonsense legislation is long overdue. Congress must fulfill its constitutional duty, then exercise its authority under the commerce clause to deny a few State courts the power to bankrupt the national firearms industry and deny all Americans their fundamental constitutionally guaranteed right to bear arms. I urge the passage of this critical legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this dangerous and misguided bill that would exempt gun dealers from liability even when they negligently sell weapons to criminals.

It is particularly distressing that we are taking up this bill at this particular time. It was just 3 years ago this month, in October, when the community that I represent right outside here of Washington, DC was terrorized by two snipers, who left 10 people dead and three people injured. The snipers obtained their weapons from a negligent gun dealer in Washington State.

Mr. Speaker, I have been struck by how some people in this institution and other places believe that the name given to a bill will somehow fool the American people as to what the bill actually does. This bill has the title on it Protection of Lawful Commerce in Arms Act. In fact, what the bill does is to make lawful many negligent actions that today are unlawful. What it actually does is protect those gun dealers who are engaged in wrongful, negligent sales of weapons to criminals. How does it do it? Very simple. It lowers the legal standard of care that gun dealers must today exercise to prevent guns from falling into the hands of criminals.

As a result, the passage of this bill will make it easier, easier, for criminals to get weapons and it will ensure that those gun dealers who negligently,

negligently, put guns in the hands of criminals will not be held responsible for their wrongful actions. And it is a sad day, Mr. Speaker, in this body when special interests and the gun industry exert such influence that they are able to convince the Congress to strip innocent victims of crimes of their rights and instead extend protections to those unscrupulous dealers who put guns into the hands of criminals.

Now, proponents of this legislation will tell us that most gun dealers in our Nation are honest and law abiding. I agree. That is true. In fact, the Bureau of Alcohol, Firearms, and Tobacco has found that about 1 percent, about 1 percent, of gun dealers are responsible for nearly 60 percent of the guns that are traced to crimes. So if most gun dealers are honorable and responsible citizens, why do they need protection? They do not. The real beneficiaries of this legislation are those small handful of dealers who are negligently putting guns in the hands of criminals. It is protecting the bad apples. It is giving them a green light to go ahead and say I see nothing when they are engaged in sales to wrongdoers.

The proponents of this bill, as we have heard, will tell us it is only intended to stop so-called "frivolous lawsuits." That notion has been soundly rejected by victim advocates across this country, and it is an insult to the victims who seek redress against those dealers who profit from negligently selling to violent predators.

Let us focus for a minute on the victims of gun crimes in our country. Should we not be protecting them? Why do we not have a bill entitled the "Protection of Gun Violence Victims" on the floor today? Let us look at some cases. We have talked about the sniper case. I differ strongly with the chairman of the committee, and the bill, as the testimony has made clear, would not have allowed that suit to go forward. I represent that area where so many people lost their lives 3 years ago this month. On many sunny days when the snipers gunned down people who were going about their ordinary business, filling up their gas at gas stations, shopping at grocery stores, cutting their grass, a child who was going to school. Before those snipers were caught, they killed 10 people and wounded three. The snipers have been caught, convicted, and they are behind bars.

The snipers carried out those attacks with a Bushmaster XM-15 semiautomatic .223 caliber rifle. The rifle came from Bull's Eye Shooter Supply in Tacoma, Washington, which had an extensive history of firearms violations and had not reported the rifle as missing as required by Federal law because they said they did not know the rifle was missing. According to the ATF, this store and its owner had a long history of firearms sales and records viola-

On January 16, 2003, the families of many of the victims of the sniper attacks who were killed brought a lawsuit against that gun store for their losses and injuries. The victims of that heinous crime spree received a \$2.5 million settlement. Let us be clear. If this law had been in effect at that time, those victims and their families would have received nothing. In fact, this bill was being debated on the floor of this House 3 years ago this month when those killings were going on, and this House realized how bad it would look to victimize those people twice, to have them victimized once by the snipers and again by the United States Congress by denying their day in court, and that is why this House decided to withdraw the bill at that time from consideration from the floor of the House. Here we are 3 years later coming back and passing legislation that would have denied them their right. Shame on us.

Let us talk about another case. In New Jersey, June, 2004, two former New Jersey police officers, Ken McGuire and Dave Lemongello, were shot in the line of duty with a trafficked gun that had been negligently sold by a West Virginia dealer. Those two officers received a \$1 million settlement for the negligence of this dealer. The dealer had sold the gun along with 11 other handguns in a cash sale to a straw buyer, a trafficker, someone who got the guns because he could legally obtain them but then turned around and sold them to a criminal who committed the crimes. If this bill had been in effect then, that case would have been dismissed and justice for those police officers would have been denied. And because of that, many law enforcement officers and organizations have written a letter opposing this bill, a copy, Mr. Speaker, which I will insert in the RECORD.

Should we not be trying to create additional incentives to improve the business practices of these gun dealers, not give them a green light to be negligent? What happened to protecting the victims? This bill does just the opposite. It provides a shield to an industry that should be providing a standard of care at least equal to other industries and businesses. Why do we want to make the gun industry the most protected industry in America?

It is inconceivable that we are here today at the behest of the gun industry to provide immunity that no other industry enjoys and at the expense of the victims of gun violence. This bill will shut the courthouse doors on many victims who have legitimate claims.

In the interest of truth in advertising, the real name of this bill should be the "Protection of Negligent Gun Dealers Act."

I urge my colleagues to oppose this.

OCTOBER 19, 2005.

Re: Law Enforcement Opposition to S. 397.

U.S. CONGRESS,

U.S. SENATE,

Washington, DC.

DEAR SENATOR: As active and retired law enforcement officers, we are writing to urge

your strong opposition to any legislation granting the gun industry special legal immunity. S. 397 would strip away the legal rights of gun violence victims, including law enforcement officers and their families, to seek redress against irresponsible gun dealers and manufacturers.

The impact of this bill on the law enforcement community is well illustrated by the lawsuit brought by former Orange, New Jersey police officers Ken McGuire and David Lemongello. On January 12, 2001, McGuire and Lemongello were shot in the line of duty with a trafficked gun negligently sold by a West Virginia dealer. The dealer had sold the gun, along with 11 other handguns, in a cash sale to a straw buyer for a gun trafficker. In June 2004, the officers obtained a \$1 million settlement from the dealer. The dealer, as well as two other area pawnshops, also have implemented safer practices to prevent sales to traffickers, including a new policy of ending large-volume sales of handguns. These reforms go beyond the requirements of current law and are not imposed by any manufacturers or distributors.

If immunity for the gun industry had been enacted, the officers' case would have been thrown out of court and justice would have been denied. Police officers like Ken McGuire and Dave Lemongello put their lives on the line every day to protect the public. Instead of honoring them for their service, legislation granting immunity to the gun industry would deprive them of their basic rights as American citizens to prove their case in a court of law. We stand with officers McGuire and Lemongello in urging you to oppose such legislation.

Sincerely,

International Brotherhood of Police Officers (AFL-CIO Police union).

Major Cities Chiefs Association (Represents our nation's largest police departments).

National Black Police Association (Nationwide organization with more than 35,000 members).

Hispanic American Police Command Officers Association (Serving command level staff and federal agents).

National Latino Peace Officers Association.

The Police Foundation (A private, non-profit research institution).

Michigan Association of Chiefs of Police.

Rhode Island State Association of Chiefs of Police.

Maine Chiefs of Police Association.

Departments listed for identification purposes only: Sergeant Moises Agosto, Pompton Lakes Police Dept. (NJ); Sheriff Drew Alexander, Summit County Sheriff's Office (OH); Sheriff Thomas L. Altieri, Trumbull County Sheriff's Office (OH); Director Anthony F. Ambrose III, Newark Police Dept. (NJ); Chief Jon J. Arcaro, Conneaut Police Dept. (OH); Officer Robert C. Arnold, Rutherford Police Dept. (NJ); Chief Ron Atstupenas, Blackstone Police Dept. (MA); Sheriff Kevin A. Beck, Williams County Sheriff's Office (OH); Detective Sean Burke, Lawrence Police Dept. (MA); Chief William Bratton, Los Angeles Police Dept. (CA); Special Agent (Ret) Ronald J. Brogan, Drug Enforcement Agency; and Chief Thomas V. Brownell, Amsterdam Police Dept. (NY).

Chief (Ret) John H. Cease, Wilmington Police Dept. (NC); Chief Michael Chitwood, Portland Police Dept. (ME); Chief William City, Oklahoma Police Dept. (OK); Chief Kenneth V. Collins, Maplewood Police Dept. (MN); Chief Daniel G. Davidson, New Franklin Police Dept. (OH); Asst. Director Jim Deal, US Dept. Homeland Security, Reno/Lake Tahoe Airport (NV); Chief Gregory A. Duber, Bedford Police Dept. (OH); Captain George Egbert, Rutherford Police Dept. (NJ);

Sterling Epps, President, Association of Former Customs Agents, Northwest Chapter (WA); Chief Dean Esserman, Providence Police Dept. (RI); and Captain Mark Folsom, Kansas City Police Dept. (MO).

Chief Charles J. Glorioso, Trinidad Police Dept. (CO); Superintendent Jerry G. Gregory (ret), Radnor Township Police Dept. (PA); Chief Jack F. Harris, Phoenix Police Dept. (AZ); Chief (Ret.) Thomas K. Hayselden, Shawnee Police Dept. (KS); Terry G. Hillard, Retired Superintendent, Chicago Police Dept. (IL); Steven Higgins, Director (Ret.) ATF; Chief Ken James, Emeryville Police Dept. (CA); Chief Calvin Johnson, Dumfries Police Dept. (VA); Chief Gil Kerlikowske, Seattle Police Dept. (WA); Deputy Chief Jeffrey A. Kumorek, Gary Police Dept. (IN); Detective John Kotnour, Overland Park Police Dept. (KS); Detective Curt Lavarello, Sarasota County Sheriffs Office (FL); Chief Michael T. Lazor, Willowick Police Dept. (OH); Sheriff Simon L. Leis, Jr., Hamilton County Sheriffs Dept. (OH); and Sheriff Ralph Lopez, Bexar County Sheriff (TX).

Chief Cory Lyman, Ketchum Police Dept. (ID); Chief David A. Maine, Euclid Police Dept. (OH); Chief J. Thomas Manger, Montgomery County Police Dept. (MD); Chief Burnham E. Matthews, Alameda Police Dept. (CA); Chief Michael T. Matulavich, Akron Police Dept. (OH); Chief Randall C. McCoy, Ravenna Police Dept. (OH); Sergeant Michael McGuire, Essex County Sheriff's Dept. (NJ); Chief William P. McManus, Minneapolis Police Dept. (MN); Chief Roy Meisner, Berkley Police Dept. (CA); Sheriff Al Myers, Delaware County Sheriff's Office (OH); Chief Albert Najera, Sacramento Police Dept. (CA); Chief Mark S. Paresi, North Las Vegas Police Dept. (NV); Sheriff Charles C. Plummer, Alameda County Sheriffs Department (CA); Chief Edward Reines, Yavapai-Prescott Tribal Police Dept. (AZ); Chief Cel Rivera, Lorain Police Dept. (OH).

Officer Kevin J. Scanell, Rutherford Police Dept. (NJ); Robert M. Schwartz, Executive Director, Maine Police Dept. (ME); Chief Ronald C. Sloan, Arvada Police Dept. (CO); Chief William Taylor, Rice University Police Dept. (TX); Asst. Chief Lee Roy Villareal, Bexar County Sheriffs Dept. (TX); Chief (Ret) Joseph J. Vince, Jr., Crime Gun Analysis Branch, ATF (VA); Chief Garnett F. Watson, Jr., Gary Police Dept. (IN); and Hubert Williams, President, The Police Foundation (DC).

Mr. VAN HOLLEN. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for yielding me this time.

Mr. Speaker, my home State of Texas is well known for the number of residents who enjoy hunting and value their right to own a gun. Today firearms are found in half of all Texas households. A State law similar to S. 397 which protects the gun industry from frivolous lawsuits, in fact, is already in effect.

Texans, like most Americans, use guns for recreation, hunting, and personal protection. Unfortunately, there are some people who want to make gun manufacturers liable for what other others do with their firearms.

Our courts are already overloaded with frivolous lawsuits designed to topple industries that manufacture products a few individuals in our society have decided are not safe or appropriate for Americans to have.

□ 1045

It is the typical liberal mindset. They know better than other people what is best for them.

If this bill does not pass, Texans and other Americans will be less able to protect themselves from burglars, rapists, and murderers.

The Department of Justice estimates that 1.5 million Americans every year defend themselves using a firearm.

The Constitution protects all Americans' right to bear arms. The second amendment states, "The right of the people to keep and bear arms shall not be infringed."

Mr. Speaker, to allow frivolous lawsuits to constrain the right of Americans to lawfully use guns is both irresponsible and unconstitutional.

I urge my colleagues to support this legislation.

Mr. VAN HOLLEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I really wish that today we could exercise our conscience and vote without the interference of the National Rifle Association.

I do believe in the second amendment, the Bill of Rights, that indicates that you are allowed to bear arms; but this legislation has nothing to do with the first or the second amendments, freedom of expression or the right to bear arms.

More than 10 years ago, as a member of the Houston City Council, I passed the first gun safety legislation that held parents responsible for guns in their homes, that children were then able to take and cause a tragedy. I remember the physician at the Texas Medical Center, Texas Children's Hospital Emergency Room, coming and testifying. I remember a parent coming and holding a very limp child, a paraplegic. They stood before us and they said this is the result of a shooting by a gun by a child who got the gun because of an irresponsible parent. That has not stopped the State of Texas and hunters from going to hunt. In fact, it has been noted that it saved lives and saved dollars.

Here we now have legislation with a blocked rule that suggests that no one can sue, no one can bring a suit of liability against gun manufacturers, and we are now suggesting that this is embedded in the likes and the hearts of the second amendment.

Is it the second amendment that says to a Philadelphia mother who won a settlement of only \$850,000 from a gun dealer who negligently sold multiple guns to a gun trafficker, a child found

one of the guns on a street in Philadelphia and accidentally shot the mother's 7-year-old son, is there some reason, Mr. Speaker, we should not have these kinds of lawsuits? Is there some reason, Mr. Speaker, that this now putting forward only a negligence per se exception will, in fact, disallow States like Arkansas, Louisiana, Maine, Massachusetts, Nebraska, North Dakota, Rhode Island, Vermont, Washington, West Virginia, the citizens in those particular States cannot sue at all because they cannot meet the standard because there is no such standard as negligence per se?

It is unfortunate that the amendments that we were prepared to offer were not accepted; and as presently written, H.R. 800 makes individuals who sell machine guns, semiautomatic weapons, and large capacity ammunition feeding devices immune from that lawsuit, the same kind of bill that we have here before us.

In my own State of Texas, a San Antonio police officer named Hector Garza was brutally murdered when he responded to a family violence call. His assailant was armed with a MAC-10 semiautomatic pistol and AK-47 assault rifle. The shooter also murdered his wife and shot his uncle in the leg. Police Chief Al Phillips said that with the fire power the shooter possessed, the incident might have turned into a bloodbath and he could have killed multiple officers.

This is wrong-headed and misdirected. It is time now for us to vote this legislation down. What a shame for the NRA to buy this Congress.

Mr. Speaker, I oppose this legislation, S. 397, the Protection of Lawful Commerce in Arms Act, just as I did with my colleagues in the case of H.R. 800 in the Judiciary Committee and H.R. 1036 during the 108th Congress. Just as in the case of the malignant Bankruptcy legislation, S. 256, that finessed itself to the House floor for consideration and then to passage into law, H.R. 1036 passed in Committee body last Congress without having given many members the opportunity to have very substantive amendments considered—shielded by "parliamentary inquiry."

So too did Members have very important proposals to improve this very troubled piece of legislation. S. 397, like its predecessor and House companion in the 108th Congress, seeks to shield irresponsible gun manufacturers, vendors, dealers, distributors, and importers from liability under the guise of protection from "frivolous lawsuits."

As the Democrats of this Committee stated quite eloquently in its "Dissenting Views" (108–59), courts around the country have recognized that precisely the types of cases that would be barred by this bill are grounded in well-accepted legal principles, including negligence, products liability, and public nuisance. These courts have held that those who make and sell guns—like all others in society—are obligated to use reasonable care in selling and designing their product, and that they may be liable for the foreseeable injurious consequences of their failure to do so even if those foreseeable consequences include unlawful conduct by third parties. This bill, if en-

acted, would nullify these decisions, rewriting and subverting the common law of those States, and then, only with respect to a particular industry.

In the past iteration of this legislation, I offered an amendment that would exempt from the scope of the bill any lawsuit brought by a plaintiff who was harmed as the result of an unlawful transfer of a machine gun, semi-automatic assault weapon, or large capacity ammunition feeding device.

The U.S. Code, in Section 922 of Title 18, makes it unlawful for a person from transfer or possess a machine gun, semi-automatic assault weapon, or large capacity ammunition feeding device.

In addition, before the Committee on Rules earlier this week, I joined my colleague from California, Ms. LOFGREN in offering an amendment captioned "Lofgren 044," that proposes an additional exception to the definition of "qualified civil liability action" for law enforcement officers acting in that capacity. This legislation creates very overbroad prohibitions for civil lawsuits against manufacturers, distributors, dealers, or importers of firearms, and this amendment seeks to protect one of many classes of parties that might be aggrieved as a result of firearm use.

While I do sit on the Committee on Homeland Security, one does not have to sit on this body to know that our first responders need and deserve protection from unintended situations. These men and women sit at the front line and are the first to act when our Nation is threatened. The de minimis effort that we as legislators can give is to protect legitimate claims filed by them in connection with the use of firearms.

The amendment did not say that gun dealers should be liable simply because they sold a gun that was used in a crime, nor does it say that the families of all 297 officers shot to death between 1997 and 2001 should be able to recover. It simply stated that when a gun dealer sells 12 or 50 or 100 guns to a person who is clearly going to turn around and sell those guns on the street, that dealer should be held accountable. Now, the proponents of this bill may argue that the negligence per se exception protects police officers because it allows suits against dealers who violate other statutes, like the Brady Act. But that is simply not true. It would not have protected Mr. Lemongello, who brought his suit in a State that does not recognize the doctrine of negligence per se. I would also point out that this bill steps all over States' rights. As we've seen, with the Schiavo case and other tort reform efforts, the leadership of the House is all too eager to ignore principles of federalism when it suits their ideological needs. I believe that this bill is just another example of that principle.

More than 30,000 gun deaths occur each year, so the almost blanket immunization from suit proposed in this legislation represents nothing more than an unwarranted and unjust special interest giveaway to the powerful gun lobby and a shameful attack on the legal rights of countless innocent victims of gun violence. Never before has a class of persons harmed by the dangerous conduct of others been wholly deprived of the right to legal recourse.

The Lofgren-Jackson Lee amendment would have protected the right to sue for members of the law enforcement community along with

their spouses or next of kin in the event of their wrongful death. I urge my colleagues to support this important amendment.

As presently written, H.R. 800 makes those individuals who sell machine guns, semi-automatic weapons, and large capacity ammunition feeding devices immune from suit. It makes no sense that the sellers of weapons that have been banned by Congress can avoid civil liability when the guns they sell are used in crimes.

Congress has enacted this ban on machine guns, semi-automatic assault weapons, and large capacity ammunition feeding devices for an obvious reason—these assault weapons are dangerous.

The deadly characteristics of semi-automatic weapons and assault rifles was tragically illustrated in my home state of Texas. A San Antonio police officer named Hector Garza was brutally murdered when he responded to a family violence call. His assailant was armed with a Mac—10 semi-automatic pistol and an AK—47 assault rifle. The shooter also murdered his wife and shot his uncle in the leg. Police Chief Al Phillipus said that with the firepower the shooter possessed the incident "might have turned into a bloodbath" and he "could have killed multiple officers."

I will offer this amendment because the exceptions to the general ban on lawsuits against gun manufacturers and merchants is too narrow. One such narrow exception allows the victims of gun violence to sue a gun seller only if the gun purchaser is subsequently convicted of the gun-related crime.

This exception is insulting to the victims of gun violence. It prioritizes the rights of negligent gun sellers and criminals before the rights of the victims of gun violence.

H.R. 800 should be amended to allow the victims of gun violence to seek civil damages when there are allegations of wrongdoing. Under this amendment, the victims of gun violence will not have to wait for a criminal conviction in order to seek justice.

To make those individuals who sell Congressionally banned machine guns, semi-automatic assault weapons, and large capacity ammunition feeding devices liable for their negligent acts. I also offer this amendment so that the victims of gun violence can seek civil damages prior to the conviction of the gun purchaser.

In addition, I will offer an amendment that will exempt from the scope of the bill those lawsuits involving injury or death to minors under the age of 16.

As presently written, S. 397 prohibits all civil lawsuits against gun manufacturers, dealers, distributors, and trade associations for damages resulting from the criminal or unlawful gun use by the injured person or a third party.

There are a few limited exceptions to the overall ban. However, none of the exceptions in the bill protects the rights of minors, or the parents of minors, to sue for civil damages when a minor is injured or killed by a gun that is negligently or recklessly manufactured or distributed.

As it is presently written, a gun merchant could negligently or recklessly sell a gun to a criminal. That gun could then be used to seriously injure or kill a minor. Under S. 397, the negligent gun seller would be immune from any civil liability.

It is absurd to deny the families of children killed or injured by the negligence or reckless-

ness of gun distributors an opportunity to sue. At the very least, the victims of gun violence and their families deserve an opportunity to have their claims heard by a judge and jury.

It is certainly foreseeable that some guns will accidentally fall into the hands of children and serious injuries or tragic deaths may result. Those gun distributors and sellers who fail to conduct adequate background checks, or fail to take other measures to ensure that guns to do not fall into criminal hands should not be free from liability. Gun merchants have a responsibility to conduct their business safely and protect the lives of children. When they fail to do so they should be held accountable in a court of law.

Gun manufacturers and merchants should be liable in courts of law when their negligent acts result in the death or injury to a minor.

Mr. Speaker, this is a bad bill, and the amendments that strive to make some improvements that will provide relief to parties that need protection were closed out without consideration. For the reasons above stated, I reject this legislation and I urge my colleagues to join me.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER), my Democratic colleague on the Committee on the Judiciary.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of S. 397, the Protection of Lawful Commerce in Firearms Act.

It will prohibit lawsuits against firearms manufacturers, legal distributors, dealers or importers for damages resulting from the misuse of a firearm by a third party.

The bill is very similar to a House bill that I joined with the gentleman from Florida (Mr. STEARNS) in sponsoring earlier this year. Our House bill achieves the same objectives as the Senate bill now before us, and the House bill has been cosponsored by 257 Members of this body.

The lawsuits against the firearms industry are nothing more than thinly veiled attempts to circumvent the legislative process and achieve gun control through litigation.

Frustrated that Congress and most State legislatures have rejected repeated attempts to have gun control imposed, some have now turned to the courts in their effort to limit the legal availability of firearms.

I want for my constituents and for all Americans to be able to purchase guns for lawful purposes. The vast majority of gun owners use their firearms responsibly. They should not be restricted in their future purchases because the threat of lawsuits has rendered the American market economically unattractive for the manufacturers.

While the bill before us will prohibit lawsuits against manufacturers and others in the chain of distribution based upon misuse of the firearm, it does not interfere with traditional

remedies for damages resulting from defects or design in the manufacture of products.

The bill provides no shelter to those who would sell firearms illegally. It does not affect suits against anyone who has violated other State or Federal laws.

This bill is a commonsense measure to eliminate lawsuits which unjustly interrupt the legal sale of a legal product.

A majority of States, including my home State of Virginia, enacted similar laws prohibiting these suits.

With our votes today, we will provide a much-needed additional response. I urge approval of the measure.

Mr. VAN HOLLEN. Mr. Speaker, I wish my colleague from Virginia would come meet with 10 families from the Washington area who had victims killed during the sniper attacks 3 years ago, as well as the police officers from New Jersey, and tell them that those lawsuits were frivolous lawsuits.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in strong opposition to this bill.

I would first like to say that I support the rights of gun owners and hunters, but this bill makes it clear this is not about the second amendment. This bill is about a direct assault on our civil justice system that endorses unscrupulous corporate behavior.

Once again, with this bill, democracy has been thwarted by bringing this bill to the floor. Very reasonable amendments were offered, but the majority adopted a restrictive rule that prevented them from being heard on the floor today.

One of those amendments would have expanded the ban on armor-piercing bullets also. For God's sake, who in this country needs to own armor-piercing bullets?

We are not legislating via the intended democratic process. The people of this country want and deserve an open and participatory government, not law by fiat.

I urge a strong "no" vote on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. STEARNS), the principal author of the bill.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman of the Committee on the Judiciary for his help in bringing this bill to the floor. He has been a leader on this bill in shepherding it through the Committee on the Judiciary time and time again.

I also want to thank my colleague from Virginia (Mr. BOUCHER) for introducing this bill with me through the last three sessions of Congress and all the other Members who have strongly supported the Protection of Lawful Commerce in Arms Act over the years.

Mr. Speaker, this is a bipartisan bill. Almost the same bill passed this House

on this floor 285 to 140. Over 60 Democrats supported it.

This legislation will stop baseless lawsuits against gun manufacturers or dealers based on the criminal or unlawful third-party misuse of firearms.

This may seem like an obvious idea. After all, would we hold a car company responsible if a driver gets drunk or reckless and hits somebody with a vehicle? Of course not. This is the United States of America where we are responsible for our own actions; but yet these frivolous lawsuits against a vital, legitimate and perfectly lawful industry have continued unabated for the last several years in the simple hope of bankrupting this industry.

This is a commonsense, logical piece of legislation whose time has come. The States, the courts and the American people have decided again and again that these harmful and baseless lawsuits are unfair and must be done away with.

If anyone does not believe me, let us take a look at this map. It shows that 33 States, or two-thirds of the United States, have laws prohibiting these same frivolous lawsuits. These States consider it fair and just to prevent these junk lawsuits. I am proud to say my home State of Florida is one of those States. The bill we are considering today is designed to simply mirror these States and what they have done to provide a unified system of laws United States-wide.

There have also been dozens and dozens of lawsuits at the local, State, and Federal levels which have rejected this theory that gun manufacturers should be held liable for what violent criminals do with their lawful products.

I have three charts here which list in detail these cases. It is really quite impressive the number of these frivolous lawsuits that have been rejected out of hand.

If my colleagues would bear with me, I would like to focus on a recent case in this last chart which is circled. This case took place in the County of Los Angeles, California. The cities of Los Angeles, San Francisco, and 12 other California municipalities filed lawsuits against 28 manufacturers, six distributors and three associations. This was a mammoth case and they lost. They appealed it, and it was unanimously upheld by a lower court and the appellate court.

I would remind my colleagues that this is an idea that has been enormously popular with the public, also. A March 2005 poll conducted by the Moore Information Public Information Research Company showed that a remarkable 79 percent of the American people believe that firearm manufacturers should not be held legally responsible for violence committed by armed criminals.

The fact of the matter is that there are several pending lawsuits which continue to abuse the judicial system and would threaten legitimate, lawful businesses, including in New York City and right here in the District of Columbia.

We must also consider that just the mere threat of these suits or taking the first couple of legal steps to defend these suits simply can be enough to force some of the smaller companies out of business. As one proponent of this tactic once bragged, we are going to make the gun industry die a "death by a thousand cuts."

This legislation will end these coercive and undemocratic lawsuits.

I remind my colleagues and those who are watching at home that this legislation is very narrowly tailored to allow suits against any bad actors to proceed. It includes carefully crafted exceptions to allow legitimate victims their day in court for cases involving defective firearms, breaches of contract, criminal behavior by a gun maker or seller, or the negligent entrustment of a firearm to an irresponsible person.

In conclusion, Mr. Speaker, I am pleased that we are voting on this bill. It has been a 6-year effort. It is with a great deal of satisfaction to the 257 bipartisan cosponsors that this bill, H.R. 800, as amended by the Senate and passed by the Senate two to one, 65 to 31, is poised to pass in this Congress as a bipartisan law.

I urge my colleagues to join with us in voting for this piece of legislation.

Mr. VAN HOLLEN. Mr. Speaker, it seems that the charts that my colleague showed listing all the lawsuits actually make the case for how the system is working because, as he knows, many of those cases have been dismissed by the court. The court looked at them; and those cases that were frivolous, it decided to dismiss.

So why are we trying to change the rules? It is because there are some cases that have merit, like the sniper cases and others, that would continue to go through, and under this legislation, they will not. Why change the rules to deny legitimate victims their day in court?

Mr. Speaker, I yield 3 minutes to my colleague from New York (Mrs. MCCARTHY) who has been such a leader on this important issue in protecting the victims of gun violence.

□ 1100

Mrs. MCCARTHY. Mr. Speaker, I thank my colleague from Maryland for doing such a wonderful job on handling this issue.

Let me first say something. The legislation in front of us, as far as I am concerned, is frivolous. When we think about the millions and millions of lawsuits that have been filed over the last 10 years, only 57 have actually involved the gun industry, 57, and for that we are taking time up here in Congress.

We hear constantly that this is a good bipartisan bill, that over 200 of our Members, Republicans and Democrats, basically support this legislation. May I remind many of my colleagues that the NRA has put extraordinary pressure on Members, and certainly even in the States.

With that being said, there are people out there that need to protect our victims, and they should be protecting our victims. My family went through a terrible tragedy years ago, and it was because of gun violence.

Now, they are saying that the gun industry has nothing to do with the person that buys the gun. Well, I say they do have a purpose. We know that the gun industry, when they ship the guns to gun dealers, and then a gun is used in the commission of a crime, through the tracing it goes back to the gun dealer to say that this store bought the gun from here. They keep statistics on this. In New York State, over 60 percent of the guns used in crime are traced back to the manufacturers.

With that being said, the majority of our gun stores are legitimate owners. But again, 1 percent is causing over 60 percent of the harm in this Nation. With this bill that is going to be passed today, and it will be passed today and will be signed by the President, is not doing any favor for the citizens of the United States.

Our courts are working, and they should continue to work. But again, it comes down to where the victims should be allowed to have their day in court. What we are doing to the gun industry is allowing them to have a blanket, a blanket. My colleagues say that we can have our day in court. The hoops that they will have to go through will make it near impossible.

The States that have the right, through their attorneys general, to sue the gun manufacturers should have their day in court. We are not looking to put anyone out of business. We are not looking to take the right of someone to own a gun, but the gun industry and these bad dealers are costing this country over \$100 billion in health care every single year, and here we are going to give them blanket immunity.

I do not understand this. This is not common sense. This is not protecting the American people. And when the American people and my gun owners hear exactly what should be done, they agree with us. It is up to the American people to have their voices heard.

I urge my colleagues to defeat this legislation. It is not good for the American people, it is not good for the health care system.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding me this time and I thank him and the gentleman from Florida (Mr. STEARNS) for their visionary leadership on this bipartisan legislation.

The right to keep and bear arms is enshrined in the second amendment of the Constitution of the United States, and the Protection of Lawful Commerce in Arms Act today will reaffirm our Nation's ability to keep, bear, and

manufacture lawful firearms in the United States of America. By passing this bill, Congress will prevent one or a few State courts from bankrupting the national firearms industry with baseless lawsuits.

Mr. Speaker, a gun, by its very nature, is dangerous. But throughout the history of tort law in this Nation, we have built on the principle of individual responsibility in which a product may not be defined as defective unless there is something wrong with the product, not with the way that it is used. The progeny of cases that have emerged in recent years against gun manufacturers flies in the face of both our Constitution as well as the history of common law and its tradition.

It is time for Congress to fulfill its congressional duty, exercise its authority under the commerce clause, and prevent a few State courts from bankrupting our national firearms industry that has as its foundation our constitutional right to keep and bear arms.

Mr. VAN HOLLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, the gun industry would like to see this legislation passed today so that they can protect their profits. But I would like to talk about the real people who will be affected by this bill, people who have suffered enough.

I would like to talk about a 26-year-old father of two from my home State of Massachusetts whose death was a direct result of negligence by a gun maker. Five years ago, Danny Guzman was leaving a holiday party to go home to see his daughters, Tammy and Selena, but he never made it home. Standing on the street, Danny Guzman was struck down by a stray bullet fired from a 9 millimeter handgun. That gun that killed him made its way into criminal hands because a gun factory employee had stolen it from his workplace and sold it on the black market.

But this is no isolated incident. In that same year, over 25,000 guns hit America's streets after being stolen or lost under suspicious circumstances. And, according to court testimony in the case, stealing guns happened at the plant "all the time," and it happened all the time because no system was in place to prevent theft. It happened all the time because the gun company was negligent. And, in this particular case, the employee got his job at the gun plant despite a criminal record that included a history of drug abuse, theft, and violence.

Mr. Speaker, when big tobacco lied about the dangers of smoking, we held them accountable. When the pharmaceutical industry markets dangerous drugs, we hold them accountable, too. But what do we do when gun makers and dealers ruin countless lives through their reckless behavior, through their negligence? This House considers legislation to provide them special protection and to deny gun victims and their families the justice they deserve.

If this bill becomes law, the Guzman family in Massachusetts, in addition to losing a husband, a son, and a father, will lose their right of legal recourse and justice. It would be an unspeakably cruel case of justice denied.

I strongly oppose this legislation and I urge my colleagues to do the same. Businesses in the firearms industry do not deserve special treatment under the law.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. SALAZAR) who is always welcome on this side of the aisle.

(Mr. SALAZAR asked and was given permission to revise and extend his remarks.)

Mr. SALAZAR. Mr. Speaker, I thank the gentleman for yielding me this time. I rise today in support of Senate bill 397, the Protection of Lawful Commerce in Arms Act. I would like to thank the gentleman from Florida (Mr. STEARNS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the Committee on the Judiciary for all their hard work on this much-needed piece of legislation.

Mr. Speaker, I consider myself a strong supporter of the second amendment to our Constitution and truly believe in the rights of Americans to keep and bear arms.

For a long time, I have been very dismayed at the anti-gun lobby's effort to litigate the gun industry to death. Taking gun manufacturers, wholesalers, and distributors to court for the actions of criminals is ludicrous. These are mostly small to medium-sized business owners who cannot afford to pay lawyer fees to avoid lawsuits.

Senate bill 397 is a bipartisan effort to reform the civil liability system to ensure that those who lawfully make and sell firearms cannot be held liable for the misuse and criminal use of those firearms.

The current system is equivalent to someone stealing my Chevrolet truck, committing a crime with it, and then GM being sued for millions of dollars for their misdeeds. Now this, to me, is ridiculous. It is time for Congress to derail the efforts of certain organizations whose aim is to bankrupt the firearms industry through litigation.

I urge my colleagues on both sides of the aisle to join me in supporting Senate bill 397, a commonsense measure to protect small businesses and preserve the second amendment rights of American citizens.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I want to address an issue we have not covered this morning, which deals with the question of terrorists trying to get their hands on guns in this country. We know from our reports and records that Osama bin Laden and other terrorists have said to their terrorist network that they can easily obtain weapons in the United States, and we know from a government accountability study from January of this year

that between February 3 and June 20 of 2004, 35 known or suspected terrorists, those are people who are on the terrorist watch list, purchased guns in the United States, and that from July 1 through October 31 of last year 12 additional people on the terrorist watch list purchased guns in the United States.

Now, I think many Americans would be surprised to know that you can be on the terrorist watch list and you can go to the airport and try and board an airplane, and because you are on the terrorist watch list, we say no, we want to protect the public, we are not going to let you board this airplane and compromise the safety of other passengers on that plane. But that person can then get in their car at the airport, go to their local gun store and buy as many semiautomatic weapons as that terrorist wants. What is more, that person can walk into that gun store and say, hey, guess what? I am on the terrorist watch list, and I want 12 semiautomatic assault weapons, and under this bill, if we pass it today, we could not hold that gun store owner liable in any way for a wrongful sale.

How do I know that? We offered an amendment in committee. Very simple. Let me read the language of the amendment. We said, we do not want to except from lawsuits and liability a seller who knows that the name of the person appears in the violent gang and terrorist organization file maintained by the Attorney General and the person subsequently used the qualified product, the weapon, in the commission of a crime.

We had a vote in committee on this amendment. Every Republican member of the committee voted no, every Democratic member of the committee voted yes. The gentleman from California (Mr. WAXMAN) and I tried to get through the Committee on Rules an amendment so the whole House could consider this proposition. What did the Committee on Rules say? No.

It seems to me outrageous that we would pass a bill that would allow someone to walk into that gun store, the gun store owner knows that person is on the terrorist watch list, they sell the person a gun, the person goes out and murders people and, under this legislation, guess what? You can no longer hold them liable. That is a shame.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the plain language of the bill says that the hypothetical the gentleman from Maryland just talked about falls under the negligent entrustment exemption from the bill, so a lawsuit could proceed. Read the bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I am a lifetime member of the National Rifle Association and a life-long shooting sports enthusiast. I have been an outspoken supporter of second

amendment rights and strongly support the original intent of this bill.

I regret the legislation we are voting on today contains the Kohl-Reed storage device amendment. We need to protect the firearms industry, an industry I would like to remind my colleagues on the other side of the aisle is responsible for arming our troops, our law enforcement professionals, including the Capitol Police. But responsible gun owners should not have further limits placed on their second amendment rights. Unfortunately, it has become necessary to enact legislation to protect responsible owners, manufacturers, and sellers from frivolous liability lawsuits and criminals and others who irresponsibly handle firearms.

The original legislation from the House had 257 cosponsors and the original bill in the Senate, which did not contain the Kohl-Reed amendment, had 62 cosponsors. I do not understand why then we are about to pass a measure that is a compromise of the two bills that were overwhelmingly supported by both Chambers.

Among the provisions of this amendment is a requirement of using devices like a trigger lock to protect an individual from a release of liability if a criminal should take their weapon. For example, trigger locks can violate a fundamental safety rule of keeping everything out of the trigger guard until ready to shoot. The very real safety hazard is that the lock could actually depress the trigger as it enters the trigger guard if the weapon is not cleared.

Having said that, though, I think it is very important and I urge my colleagues to support the Protection of Lawful Commerce in Arms Act, because we need to take immediate steps to protect the firearms industry and manufacturers and responsible gun owners from the liberal left's culture of frivolous litigation and to legislate by lawsuit.

□ 1115

Mr. VAN HOLLEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me mention that the gentleman from Maryland (Mr. VAN HOLLEN) has a long and prominent history in knowing the laws of this Nation in his earlier life, and as well rendering them in the proper manner.

And I want to follow the comments that you made about the amendments offered in the committee, and as well make mention of the fact of the kind of complete reckless, if you will, lacking of sensitivity, to putting forward real balanced legislation.

In our dissenting views, the Democrats of this committee mentioned courts around the country, and by the way, there are views about gun safety across the aisle. But courts around the country have recognized that precisely the types of cases that would be barred by this bill are grounded in well-ac-

cepted legal principles, including negligence, products liability and public nuisance.

These courts have held that those who make and sell guns, like all others in society, are obligated to use reasonable care in selling and designing their products and that they may be liable for foreseeable injurious consequences.

The courts have answered this question. They have rejected frivolous lawsuits. And those that have merit they have accepted. I offered an amendment that would exempt from the scope of the bill any lawsuit brought by a plaintiff who was harmed as a result of an unlawful transfer of a machine gun, semi-automatic assault weapon, or large-capacity ammunition feeding device.

These particular arms, illegal. And therefore the manufacturer does have some liability in it. And this latest offering of the bill, the gentlewoman from California (Ms. ZOE LOFGREN) and myself offered a bill that would exempt law enforcement officers.

This bill does not even exempt law enforcement officers. And even in this climate of homeland security, it is well known that our first responders need to be protected by the reckless use of machine guns and AK-47s. And this legislation turns a blind eye to reality. It turns a blind eye to the shooting of children. It turns a blind eye to the sniper in Washington, to the Philadelphia mother.

I ask my colleagues to vote against this legislation. This is not the second amendment. This is the NRA free legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of S. 397, the Protection of Lawful Commerce in Arms Act, and thank the chairman of the Judiciary Committee, the gentleman from Wisconsin, for bringing this legislation forward.

The second amendment to the U.S. Constitution clearly declares that the rights of citizens to keep and bear arms shall not be infringed. Despite this fundamental protection, an extreme minority determined to restrict the supply of firearms and firearms ownership has discovered a new tool, frivolous lawsuits.

Recently, more than 30 cities and counties have filed lawsuits against the firearms industry alleging that the industry is liable for the actions of third parties, including those that use lawful firearms in a criminal manner. Many legitimate firearms manufacturers could be forced to go out of business due to the prohibitive costs of defending these targeted lawsuits.

If the courts are so allowed to decide the fate of gun manufacturers, then the trial lawyers and the courts will effectively be regulating the supply of firearms and thus the right of citizens to bear arms.

However, legislatures, not courts, are the proper forums for deciding the

scope of regulation for the firearms industry. S. 397 would prevent plaintiffs from bringing civil actions against firearm manufacturers and sellers for the criminal or unlawful misuse of third parties of properly made firearms. This bill will help to put an end to the judiciary legislating in the firearms field.

It will also serve as an important statement that responsibility for wrongdoing should rest with the wrongdoer. As Oliver Wendall Holmes stated in an 1894 Harvard Law Review article: "Why is not a man who sells firearms answerable for assaults committed with pistols bought of him since he must be taken to know the probability that sooner or later someone will buy a pistol of him for some unlawful end?"

The principle seems to be pretty well established in this country, at least, that everyone has a right to rely upon his fellow man acting lawfully. Over 30 States have enacted legislation to prevent junk lawsuits against the firearms industry based on the criminal behavior of others. These States have thus declared that the responsibility for wrongdoing should rest with wrongdoers. Congress should follow the States' lead and pass S. 397.

The House has passed the Protection of Lawful Commerce in Arms Act on several occasions. Now the Senate has passed it. We have a chance to send this bill to the President of the United States.

I urge my colleagues to support this important legislation.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will include in the RECORD the following letters in opposition to S. 397. Letters from the ABA, letters from two former directors of the ATF, a letter from a number of nationally recognized organizations, and letters from a number of law professors.

Mr. Speaker, a moment ago, I raised the scenario of a terrorist getting denied access to an airplane because they are on the terrorist watch list going down to a local gun shop and saying, You know, I am on that watch list, can I get some guns? And under this legislation, that individual would be allowed to purchase those guns.

I have read the bill, and that is why I offered the amendment in committee. And what the bill says very clearly under negligent entrustment is essentially if the gun dealer knows or should know that the person to whom the product is supplied is likely to use the product in a manner involving unreasonable risk of physical injury.

Now, we all might say common sense tells us that that would cover a person on the terrorist watch list. But you know what, that is not what the explanation was in committee. In fact, I have the committee transcript here, and the gentleman from Utah (Mr. CANNON) stated that the reason that

they did not want to adopt the amendment was not because the bill already covered that scenario. The real reason was they have questions about the reliability of the terrorist watch list and whether or not someone who is on the terrorist watch list is legitimately put there.

Well, here is the question. If the terrorist watch list is good enough to deny someone access to an airplane because that will put the public safety at risk, why is it not good enough to deny someone a firearm who goes down to the local gun store?

We have tried to make it a condition that people who are on the terrorist watch list cannot purchase weapons at gun stores. The Attorney General in testimony before our committee said maybe we should think about that. We have not passed that as a Congress.

And so for the chairman of the committee to say that the gun store owner will be assumed to know that person is a danger, when the United States Congress and the Judiciary Committee have refused to make that decision, it is just plain wrong. The Congress has not gone on record saying that someone on the terrorist watch list should not get a gun. Why should we expect a gun dealer and seller to do that?

So this does open a loophole that would allow exactly the scenario I talked about.

It would close the door on lawsuits by the victims of the snipers in this area. The letters I submitted for the RECORD from law professors and others make it absolutely clear that that is what this does.

Look, we have got a system for bringing lawsuits. We heard from the author of the bill, the gentleman from Florida (Mr. STEARNS), a number of cases that were filed that he said were frivolous. Most of those cases were in fact dismissed from the courts.

The system is working. Frivolous lawsuits were dismissed. But what this legislation would do is to change the rules. It does not have to change the rules to protect the ones that were dismissed; they have been dismissed under the existing rules. So why are we changing them? Because we want to deny people who bring legitimate suits today, people like the families of the sniper victims, people like the officers from New Jersey, the police officers, who I must point out, again, and emphasize obtained settlements in those lawsuits.

We want to close the courthouse door on them. I would just ask a very simple question, Mr. Speaker, my colleagues. We have a bill here saying we are going to protect the Lawful Commerce in Arms Act, which in fact changes the rules to make what is today unlawful, lawful.

Why do we not go about the business of passing legislation to protect the victims of gun violence rather than that small handful of bad-apple gun dealers who wrongfully and negligently help put the guns in the hands of kill-

ers in this country and allow them to go on the kind of rampage that leads to the death of so many people.

The killers are in jail. Thank God for that. But why should someone who is known to be negligent, who the ATF found to be negligent and later closed the gun shop, why should that person not be liable for their contribution to the negligence and to the deaths and sufferings that were faced by those families? Let us get about protecting the victims.

Mr. Speaker, the material I previously referred to is as follows:

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,

Washington, DC, April 4, 2005.

DEAR SENATOR: I am writing on behalf of the American Bar Association to express our strong opposition to S.397, the Protection of Lawful Commerce in Arms Act, and to similar legislation to enact special tort laws for the firearms industry. The ABA opposes S.397, and has opposed similar legislation in the past two Congresses, because we believe the proposed legislation is overbroad and would unwisely and unnecessarily intrude into an area of traditional state responsibility.

The responsibility for setting substantive legal standards for tort actions in each state's courts, including standards for negligence and product liability actions, has been the province of state legislatures and an integral function of state common law since our nation was founded. S.397 would preempt state substantive law standards for most negligence and product liability actions for this one industry, abrogating state law in cases in which the defendant is a gun manufacturer, gun seller or gun trade association, and would insulate this new class of protected defendants from almost all ordinary civil liability actions. In our view, the legitimate concerns of some about the reach of a number of suits filed by cities and state governmental units several years ago have since been answered by the deliberative, competent action of state courts and within the traditions of state responsibility for administering tort law.

There is no evidence that federal legislation is needed or justified. There is no hearing record in Congress or other evidence to contradict the fact that the state courts are handling their responsibilities competently in this area of law. There is no data of any kind to support claims made by the industry that it is incurring extraordinary costs due to litigation, that it faces a significant number of suits, or that current state law is in any way inadequate. The Senate has not examined the underlying claims of the industry about state tort cases, choosing not to hold a single hearing on S.397 or its predecessor bills in the two previous Congresses. Proponents of this legislation cannot, in fact, point to a single court decision, final judgment or award that has been paid out that supports their claims of a "crisis". All evidence points to the conclusion that state legislatures and state courts have been and are actively exercising their responsibilities in this area of law with little apparent difficulty.

S. 397 proposes to exempt his one industry from state negligence law. The proposed federal negligence law standard will unfairly exempt firearms industry defendants from the oldest principle of civil liability law: that persons, or companies who act negligently should be accountable to victims harmed by this failure of responsibility. Negligence laws in all 50 states traditionally impose civil liability when individuals or busi-

nesses fail to use reasonable care to minimize the foreseeable risk that others will be injured and injury results. But this proposed legislation would preempt the laws of the 50 states to create a special, higher standard for negligence actions for this one protected class, different than for any other industry, protecting them from liability for their own negligence in all but extremely narrow specified exceptions. The ABA believes that state law standards for negligence and its legal bedrock duty of reasonable care should remain the standard for gun industry accountability in state civil courts, as these state standards for the rest of our nation's individuals, businesses and industries.

The proposed federal product liability standards will unfairly insulate firearm industry defendants from accountability in state courts for design defects in their products. The proposed new federal standard would preempt the product liability laws in all 50 states with a new, higher standard that would protect this industry even for failing to implement safety devices that would prevent common, foreseeable injuries, so long as any injury or death suffered by victims resulted when the gun was not "used as intended".

Under existing product liability laws in most states, manufacturers must adopt feasible safety devices that would prevent injuries caused when their products are foreseeably misused, regardless of whether the uses are "intended" by the manufacturer, or whether the product "fails" or "improperly" functions. Thus automakers have been held civilly liable for not making cars crashworthy, even though the "intended use" is not to crash the car. Manufacturers of cigarette lighters must make them childproof, even though children are not "intended" to use them. Under this proposed legislation, however, state laws would be preempted so that gun manufacturers would enjoy a special immunity.

Enactment of S. 397 would also undermine responsible federal oversight of consumer safety. The broad and, we believe, unprecedented immunity from civil liability that would result from enactment of S. 397 must be viewed against the existing legal backdrop of the present, unparalleled immunity the firearms industry enjoys from any federal safety regulation. Unlike other consumer products, there is no federal law or regulatory authority that sets minimum safety standards for domestically manufactured firearms. This is because the firearms industry was able to gain an exemption for firearms from the 1972-enacted Consumer Product Safety Act, the primary federal law that protects consumers from products that present unreasonable risk of injury. Over the last 30 years, an average of 200 children under the age of 14 and over a thousand adults each year have died in gun accidents which might have been prevented by existing but unused safety technologies. A 1991 Government Accounting Office report estimated that 31 percent of U.S. children's accidental firearm deaths could have been prevented by the addition of two simple existing devices to firearms: trigger locks and load-indicator devices. Sadly, these minimal safety features are still not required.

This bill, if enacted, would insulate the firearms industry from almost all civil actions, in addition to its existing protection from any consumer product safety regulations. Such special status for this single industry raises serious concerns about its constitutionality; victims of gun violence have the right—as do persons injured through negligence of any party—to the equal protection of the law.

The risk that states may at some future date fail to appropriately resolve their tort

responsibilities in an area of law—where there is no evidence of any failure to date—cannot justify the unprecedented federal preemption of state responsibilities proposed in this legislation. The ABA believes that the states will continue to sort out these issues capably without a federal rewriting of state substantive tort law standards. The wiser course for Congress, we believe, is to respect the ability of states to continue to administer their historic responsibility to define the negligence and product liability standards to be used in their state courts. For these reasons, we urge you to reject S. 397.

Sincerely,

ROBERT D. EVANS.

DEAR SENATORS AND REPRESENTATIVES: The undersigned former Directors of the Bureau of Alcohol, Tobacco, and Firearms ("ATF") write to express our grave concern over pending legislation that the Congress is now considering. S. 397 and H.R. 800 would provide sweeping immunity to members of the gun industry in numerous cases. While there are many disturbing aspects to this bill from a policy perspective, this letter concerns one that is especially disturbing to us, as it threatens ATF's ability to fully and effectively enforce our nation's gun laws.

Supporters of gun industry immunity have added language to S. 397 and H.R. 800 that was not included in the gun immunity bills considered by the last Congress (H.R. 2037, S. 659, S. 1805, and S. 1806). This new language includes provisions that threaten to block law enforcement efforts by the ATF, as well as state governments. Specifically, the legislation would now prohibit certain law enforcement "administrative proceeding(s)." §4(5)(A). This goes well beyond barring civil damages suits, and is apparently intended to curtail law enforcement proceedings against gun sellers who violate the law. Given the serious and persistent danger posed to society by irresponsible gun sellers who supply the criminal gun market and other prohibited purchasers, we find it outrageous that Congress would contemplate tying the hands of law enforcement to protect scofflaw dealers.

This broad new language threatens to block any ATF "administrative proceeding" that seeks "fines, or penalties, or other relief" resulting from unlawful use of firearms by third parties. §4(5)(A). The bill would likely prohibit ATF from initiating enforcement proceedings including those to:

Prohibit ATF from initiating proceedings to revoke a gun dealer's federal firearm license if the dealer supplies guns to criminals or other prohibited buyers. Current law enables ATF to initiate proceedings to revoke a federal firearm license if a gun dealer willfully violates federal law, such as by transferring a gun to a criminal. 18 U.S.C. §923(e).

Limit ATF's ability to prevent the importation of non-sporting firearms used frequently in crimes. Current law enables ATF to initiate proceedings to prohibit the importation of firearms that do not have a "sporting purpose." 18 U.S.C. §925(d)(3).

We know from experience how important it is that ATF be able to enforce our nation's gun laws to prevent firearms from being obtained by terrorists, other criminals, and the gun traffickers who supply them. To protect our citizens from the scourge of gun violence Congress should be strengthening our laws and increasing ATF's resources and ability to enforce those laws. To handcuff ATF, as this bill does, will only serve to shield corrupt gun sellers, and facilitate criminals and terrorists who seek to wreak havoc with deadly weapons. To take such anti-law enforcement actions in the post-9/11 age, when we know that suspected terrorists are obtaining firearms, and may well seek them from irresponsible gun dealers, is nothing short of madness.

The bill also would likely limit the ability of state attorneys general to bring actions against gun sellers who violate state law, such as those who engage in "straw sales" to someone who illegally buys guns on behalf of prohibited buyers. Had this bill been the law, California may not have been able to levy the \$14.5 million fines Wal-Mart recently paid to settle a civil suit brought by the California Attorney General concerning numerous violations of state law, including sales to straw buyers. The bill would also jeopardize state and local law enforcement proceedings to shut down "kitchen table" dealers who sell guns out of their homes to criminals.

In closing, we would note that many of us have other reservations as well about substantive aspects of S. 397/H.R. 800. But even without those troublesome aspects, the restrictions placed on law enforcement should be reason enough for Congress to reject this dangerous legislation. We urge Congress to reject S. 397 and H.R. 800.

STEPHEN HIGGINS,
Director (Ret.) ATF,
1982-1995.

REX DAVIS,
Director (Ret.) ATF,
1970-1978.

DEAR MEMBER OF CONGRESS: Please oppose any legislation that would limit the legal rights of gun violence victims.

The National Rifle Association and others in the gun lobby are pushing legislation that would deprive gun violence victims of their legal rights and give special legal privileges to the gun industry (House bill H.R. 800 and Senate bill S. 397).

Similar legislation was defeated in the last Congress, and it must be stopped again in the 109th Congress.

Recently, gun violence victims have exercised their legal rights and held reckless and irresponsible gun sellers accountable:

Families of victims of the 2002 D.C.-area sniper attacks won a \$2.5 million settlement from Bull's Eye Shooter Supply, the dealer who "lost" the snipers' assault rifle, and Bushmaster Firearms, the assault weapon maker who supplied Bull's Eye, while turning a blind eye to its disgraceful record of missing guns and regulatory violations. Further, as part of the settlement, Bushmaster agreed to inform its dealers of safer sales practices that will prevent other criminals from obtaining guns—something Bushmaster had never done before.

Two former New Jersey police officers, Ken McGuire and Dave Lemongello, shot in the line of duty with a trafficked gun negligently sold by a West Virginia dealer, won a \$1 million settlement. The dealer had sold the gun, along with 11 other handguns, in a cash sale to what turned out to be a straw purchasing team. After the lawsuit, the dealer, as well as two other area pawnshops, implemented safer practices to prevent sales to traffickers, including a new policy of ending large-volume sales of handguns. These reforms go beyond the law and are not imposed by any manufacturers or distributors.

If the NRA's special interest legislation had passed Congress, these victims would never have obtained justice and it would be business as usual for these dangerous gun sellers.

Instead of trying to close the courthouse doors to victims, Congress should be investigating the gun industry, cracking down on the corrupt dealers who arm drug gangs and other criminals, and passing stronger laws to stop gun deaths.

Please protect gun violence victims and OPPOSE any Immunity legislation (H.R. 800/

S. 397) that would deprive them of their legal rights.

Sincerely,

NATIONAL GROUPS

Alliance for Justice.
American Association of School Psychologists.
American Association of Suicidology.
Americans for Democratic Action.
American Humanist Association.
American Public Health Association.
Brady Campaign To Prevent Gun Violence
United With the Million Mom March.
Child Welfare League of America.
Children's Defense Fund.
Church Women United.
Coalition To Stop Gun Violence.
Common Cause.
Congregation of Sisters of St. Agnes Leadership Team.
Consumer Federation of America.
Consumers for Auto Reliability and Safety.
Disciples Justice Action Network.
Equal Partners in Faith.
Evangelical Lutheran Church in America.
Hadassah The Women's Zionist Organization Of America.
HELP Network.
League of Women Voters of the U.S.
Legal Community Against Violence.
National Council of Jewish Women.
National Council of Women's Organization.
National Research Center for Women & Families.
Physicians for Social Responsibility.
Presbyterian Church (USA).
Public Citizen.
Religious Action Center of Reform Judaism.
States United to Prevent Gun Violence.
The American Jewish Committee.
The Ms. Foundation for Women.
The Society of Public Health Education (SOPHE).
The United States Conference of Mayors.
Unitarian Universalist Association of Congregations.
Veteran Feminists of America.
Women's Institute for Freedom of the Press.

STATE/LOCAL ORGANIZATIONS

Arizona
Physicians for Social Responsibility—Arizona Chapter
Arkansas
Arkansas Coalition Against Domestic Violence.
California
Khadafy Foundation for Non-Violence.
Concerned Citizens of Leisure World.
Sisters of Saint Joseph of Orange.
Physicians for Social Responsibility.
Marin Friends Meeting.
Orange County Substance Abuse Prevention Network.
Youth Alive.
Gray Panthers.
Society of Public Health Education.
Physicians for Social Responsibility—Sacramento.
Orange County Citizens for the Prevention Of Gun Violence.
Violence Prevention Coalition of Orange County.
Women Against Gun Violence.
Long Beach Coalition for the Prevention of Gun Violence.
Alameda County Million Mom March Chapter.
Contra Costa County Million Mom March Chapter.
Los Angeles County West Million Mom March Chapter.
Marin County Million Mom March Chapter
Napa.

Solano County Million Mom March Chapter.

Nevada County Million Mom March Chapter.

Orange County Million Mom March Chapter.

Sacramento Valley Million Mom March Chapter.

San Diego County Million Mom March Chapter.

San Fernando Valley Million Mom March Chapter.

Santa Clarita Million Mom March Chapter.

Silicon Valley/Santa Clara County Million Mom March Chapter.

Sonoma County Million Mom March Chapter.

South Bay/Long Beach Million Mom March Chapter.

Colorado

Colorado Progressive Coalition.
Physicians for Social Responsibility—Colorado Chapter.

Colorado Ceasefire Capitol Fund.
Denver Million Mom March Chapter.

Connecticut

Hog River Music, LLC.
Society of Public Health Education.
Greater New Haven N.O.W.
New England Coalition To Prevent Gun Violence.

Central Connecticut Million Mom March Chapter.

Fairfield County Million Mom March Chapter.

District of Columbia

STARS.
R.O.O.T.
Life After Homicide.
Society of Public Health Education—National Capitol Area Chapter.
District of Columbia Million Mom March Chapter.

Florida

IRC Coalition Against Gun Violence.
Florida Coalition to Stop Gun Violence.
Vero Beach Coalition against Gun Violence.

Central Florida Million Mom March Chapter.

Northeast Florida Million Mom March Chapter.

South Florida Million Mom March Chapter.

Tampa Bay Million Mom March Chapter.

Georgia

American Public Health Association.
Georgia Federation of Professional Health Education.
Metro Atlanta Million Mom March Chapter.

Illinois

Citizens Resource for Children.
Episcopal Peace Fellowship Chicago Consumer Coalition.

Chicago Survivors Million Mom March Chapter.

North Suburban Chicagoland Million Mom March Chapter.

Southwest Chicagoland Million Mom March Chapter.

Springfield Million Mom March Chapter.

Indiana

Hispanic/African American Public Policy Institute.
Infinite Inc.
Hoosiers Concerned About Gun Violence.

Iowa

University of Iowa CPH/CBH.
Iowans for the Prevention of Gun Violence.

Kentucky

Lexington and Central Kentucky Million Mom March Chapter.

Maine

Action Committee of Peace Action.
Maine Citizens Against Handgun Violence.
New England Coalition To Prevent Gun Violence.

Southern Maine Million Mom March Chapter.

Maryland

Life After Homicide.
Maryland Consumer Rights Coalition, Inc.
Ceasefire Maryland.
Montgomery County Million Mom March Chapter.

Massachusetts

The Sandbox Foundation.
Stop Handgun Violence.
Greater Boston Million Mom March Chapter.
Massachusetts's Consumers' Coalition.
New England Coalition To Prevent Gun Violence.

Michigan

League of Women Voters of Michigan.
Michigan Partnership to Prevent Gun Violence.

Detroit Million Mom March Chapter.
East Metro Detroit Million Mom March Chapter.

Mid-Michigan/Lansing Million Mom March Chapter.

Novi Million Mom March Chapter.

Southwest Michigan Million Mom March Chapter.

West Metro Detroit/Washtenaw County Million Mom March Chapter.

Minnesota

Citizens for a Safer Minnesota.
The Healing Circle.
League Of Women Voters of Duluth.
Northland Minnesota Million Mom March Chapter.
Twin Cities Million Mom March Chapter.

Missouri

Missouri Society for Public Health Education.

Nevada

XPOZ.

New Hampshire

New Hampshire Million Mom March Chapter.

New England Coalition To Prevent Gun Violence.

New Jersey

Union for Reform Judaism, NJWHVC.
Woodbridge Homeowners for Quality of Life.

Coalition For Peace Action.
Society of Public Health Education.
Ceasefire NJ.

Bergen/Passaic County Million Mom March Chapter.

Essex County Million Mom March Chapter.

Mercer County Million Mom March Chapter.

Shore County Million Mom March Chapter.

New York

Men Elevating Leadership.
Mothers Against Guns, Inc.
NY Chapter of the Society for Public Health Education.
New Yorkers Against Gun Violence (NAYGV).

Lenox Hill School Based Primary Care Program.

New York Public Interest Research Group.

Brooklyn King's Million Mom March Chapter.

Broome County Million Mom March Chapter.

Capitol Region Million Mom March Chapter.

Manhattan Million Mom March Chapter.

Nassau County Million Mom March Chapter.

Queens Million Mom March Chapter.
Suffolk County Million Mom March Chapter.

Westchester County Million Mom March Chapter.

North Carolina

North Carolinians Against Gun Violence.
Forsyth Mothers And Others Million Mom March Chapter.

Wake County Million Mom March Chapter.

West Triangle Million Mom March Chapter.

Ohio

Women Against Gun Violence.
Inter-religious Partners in Action of Greater Cleveland.
Diocesan Social Action Office of Cleveland.
Ohio Coalition Against Gun Violence.
Cleveland Million Mom March Chapter.
Greater Cincinnati Million Mom March Chapter.

Oklahoma

Oklahomans For Gun Safety Million Mom March Chapter.
University of Oklahoma.

Oregon

Oregon Consumer League.
Ceasefire Oregon.
Physicians for Social Responsibility—Oregon.

Lane County (Eugene) Million Mom March Chapter.

Multnomah County (Portland) Million Mom March Chapter.

Pennsylvania

Not Fair!
Ceasefire Pennsylvania.
Allegheny County Million Mom March Chapter.
Center County Million Mom March Chapter.

Montgomery and Delaware County Million Mom March Chapter.

Philadelphia Million Mom March Chapter.

Rhode Island

Rhode Island Million Mom March Chapter.
New England Coalition To Prevent Gun Violence.

Texas

Austin Physicians for Social Responsibility.
Central Texas (Austin) Million Mom March Chapter.

Dallas Million Mom March Chapter.

South Texas Million Mom March Chapter.

Utah

Peace and Justice Commission of Salt Lake Catholic Diocese.
Gun Violence Prevention Campaign of Utah.

Salt Lake City Million Mom March Chapter.

Vermont

New England Coalition To Prevent Gun Violence.

Virginia

VA Interfaith Center for Public Policy.
Charlottesville Million Mom March Chapter.

Hampton Roads Million Mom March Chapter.

Northern Virginia Million Mom March Chapter.

Richmond Million Mom March Chapter.

Roanoke Million Mom March Chapter.

Washington

Clark County (Vancouver) Million Mom March Chapter.

Wisconsin

Mothers Against Gun Violence.
Peace and Justice Committee of the ELCA of Greater Milwaukee.

Milwaukee Million Mom March Chapter.
Wisconsin Anti-Violence Effort.

THE UNIVERSITY OF MICHIGAN
LAW SCHOOL,
Ann Arbor, MI.

DEAR SENATORS AND REPRESENTATIVES: As a professor of law at the University of Michigan Law School, I write to alert you to the legal implications of S. 397 and H.R. 800, the "Protection of Lawful Commerce in Arms Act." My colleagues, who join me in signing this letter, are professors at law schools around the country. This bill would represent a substantial and radical departure from traditional principles of American tort law. Though described as an effort to limit the unwarranted expansion of tort liability, the bill would in fact represent a dramatic narrowing of traditional tort principles by providing one industry with a literally unprecedented immunity from liability for the foreseeable consequences of negligent conduct.

S. 397 and H.R. 800, described as "a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others," would largely immunize those in the firearms industry from liability for negligence. This would represent a sharp break with traditional principles of tort liability. No other industry enjoys or has ever enjoyed such a blanket freedom from responsibility for the foreseeable and preventable consequences of negligent conduct.

It might be suggested that the bill would merely preclude what traditional tort law ought to be understood to preclude in any event—lawsuits for damages resulting from third party misconduct, and in particular from the criminal misuse of firearms. This argument, however, rests on a fundamental misunderstanding of American tort law. American law has never embraced a rule freeing defendants from liability for the foreseeable consequences of their negligence merely because those consequences may include the criminal conduct of third parties. Numerous cases from every American jurisdiction could be cited here, but let the Restatement (Second) of Torts suffice:

"449. TORTIOUS OR CRIMINAL ACTS THE PROBABILITY OF WHICH MAKES ACTOR'S CONDUCT NEGLIGENT"

"If the likelihood that a third person may act in a particular manner is the hazard or one of the hazards which makes the actor negligent, such an act whether innocent, negligent, intentionally tortious, or criminal does not prevent the actor from being liable for harm caused thereby." (emphasis supplied)

Similarly, actors may be liable if their negligence enables or facilitates foreseeable third party criminal conduct.

Thus, car dealers who negligently leave vehicles unattended, railroads who negligently manage trains, hotel operators who negligently fail to secure rooms, and contractors who negligently leave dangerous equipment unguarded are all potentially liable if their conduct creates an unreasonable and foreseeable risk of third party misconduct, including illegal behavior, leading to harm. In keeping with these principles, cases have found that sellers of firearms and other products (whether manufacturers, distributors or dealers) may be liable for negligently supplying customers or downstream sellers whose negligence, in turn, results in injuries caused by third party criminal or negligent conduct. In other words, if the very reason one's conduct is negligent is because it creates a foreseeable risk of illegal third party conduct, that illegal conduct does not sever

the causal connection between the negligence and the consequent harm. Of course, defendants are not automatically liable for illegal third party conduct, but are liable only if—given the foreseeable risk and the available precautions—they were unreasonable (negligent) in failing to guard against the danger. In most cases, moreover, the third party wrongdoer will also be liable. But, again, the bottom line is that under traditional tort principles a failure to take reasonable precautions against foreseeable dangerous illegal conduct by others is treated no differently from a failure to guard against any other risk.

S. 397 and H.R. 800 would abrogate this firmly established principle of tort law. Under this bill, the firearms industry would be the one and only business in which actors would be free utterly to disregard the risk, no matter how high or foreseeable, that their conduct might be creating or exacerbating a potentially preventable risk of third party misconduct. Gun and ammunition makers, distributors, importers, and sellers would, unlike any other business or individual, be free to take no precautions against even the most foreseeable and easily preventable harms resulting from the illegal actions of third parties. And they could engage in this negligent conduct persistently, even with the specific intent of profiting from sales of guns that are foreseeably headed to criminal hands. Under this bill, a firearms dealer, distributor, or manufacturer could park an unguarded open pickup truck full of loaded assault rifles on a city street corner, leave it there for a week, and yet be free from any negligence liability if and when the guns were stolen and used to do harm. A firearms dealer, in most states, could sell 100 guns to the same individual every day, even after the dealer is informed that these guns are being used in crime—even, say, by the same violent street gang.

It might appear from the face of the bill that S. 397 and H.R. 800 would leave open the possibility of tort liability for truly egregious misconduct, by virtue of several exceptions set forth in Section 4(5)(i). Those exceptions, however, are in fact quite narrow, and would give those in the firearm industry little incentive to attend to the risks of foreseeable third party misconduct.

One exception, for example would purport to permit certain actions for "negligent entrustment." The bill goes on, however, to define "negligent entrustment" extremely narrowly. The exception applies only to sellers, for example, and would not apply to distributors or manufacturers, no matter how egregious their conduct. Even as to sellers, the exception would apply only where the particular person to whom a seller supplies a firearm is one whom the seller knows or ought to know will use it to cause harm. The "negligent entrustment" exception would, therefore, not permit any action based on reckless distribution practices, negligent sales to gun traffickers who supply criminals (as in the above example), careless handling of firearms, lack of security, or any of a myriad potentially negligent acts.

Another exception would leave open the possibility of liability for certain statutory violations, variously defined, including those described under the heading of negligence per se. Statutory violations, however, represent just a narrow special case of negligence liability. No jurisdiction attempts to legislate standards of care as to every detail of life, even in a regulated industry; and there is no need. Why is there no need? Because general principles of tort law make clear that the mere absence of a specific statutory prohibition is not *carte blanche* for unreasonable or dangerous behavior. S. 397 and H.R. 800 would turn this traditional

framework on its head; and free those in the firearms industry to behave as carelessly as they would like, so long as the conduct has not been specifically prohibited. If there is no statute against leaving an open truckload of assault rifles on a street corner, or against selling 100s of guns to the same individual, under this bill there could be no tort liability. Again, this represents radical departure from traditional tort principles.

My aim here is simply to provide information, and insure that you are not inadvertently misled about the meaning and scope of S. 397 and H.R. 800. As currently drafted, this Bill would not simply protect against the expansion of tort liability, as has been suggested, but would in fact dramatically limit the application of longstanding and otherwise universally applicable tort principles. It provides to firearms makers and distributors a literally unprecedented form of tort immunity not enjoyed or even dreamed of by any other industry.

Professor Sherman J. Clark, University of Michigan Law School; Professor Richard L. Abel, UCLA Law School; Professor Barbara Bader Aldave, University of Oregon School of Law; Professor Mark F. Anderson, Temple University Beasley School of Law; Professor Emeritus James Francis Bailey, III Indiana University School of Law; Professor Elizabeth Bartholet, Harvard Law School; Professor Peter A. Bell, Syracuse University College of Law; Professor Margaret Berger, Brooklyn Law School; Professor M. Gregg Bloche, Georgetown University Law Center; Professor Michael C. Blumm, Lewis and Clark Law School; Professor Carl T. Bogus, Roger Williams University School of Law; Professor Cynthia Grant Bowman, Northwestern University School of Law; Director of the MacArthur Justice Center and Lecturer in Law, Locke Bowman, University of Chicago Law School; Professor Scott Burris, Temple University Beasley School of Law; Professor Donna Byrne, William Mitchell College of Law; Professor Emily Calhoun, University of Colorado School of Law.

Professor Erwin Chemerinsky, Duke Law School; Associate Clinical Professor Kenneth D. Chestek, Indiana University School of Law; Associate Professor Stephen Clark, Albany Law School; Professor Marsha N. Cohen, University of California Hastings College of the Law; Professor Anthony D'Amato, Northwestern University School of Law; Professor John L. Diamond, University of California Hastings College of Law; Professor David R. Dow, University of Houston Law Center; Professor Jean M. Eggen, Widener University School of Law; Associate Professor Christine Haight Farley, American University, Washington College of Law; Associate Professor Ann E. Freedman, Rutgers Law School—Camden; Professor Gerald Frug, Harvard Law School; Professor Barry R. Furrow, Widener University School of Law; Associate Clinical Professor Craig Futterman, University of Chicago Law School; Professor David Gelfand, Tulane University Law School; Professor Phyllis Goldfarb, Boston College Law School; Professor Lawrence Gostin, Georgetown University Law Center; Professor Michael Gottesman, Georgetown University Law Center.

Professor Stephen E. Gottlieb, Albany Law School; Professor Phoebe Haddon, Temple University Beasley School of Law; Professor Jon D. Hanson, Harvard Law School; Professor Douglas R. Heidenreich, William Mitchell College of Law; Professor Kathy Hessler, Case Western Reserve University School of Law; Professor Eric S. Janus, William

Mitchell College of Law; Professor Sheri Lynn Johnson, Cornell Law School; Professor David J. Jung, University of California Hastings College of Law; Associate Professor Ken Katkin, Salmon P. Chase College of Law, Northern Kentucky Univ.; Professor David Kairys, Temple University Beasley School of Law; Professor Kit Kinports, University of Illinois School of Law; Professor Martin A. Kotler, Widener University School of Law; Professor Baily Kuklin, Brooklyn Law School; Professor Arthur B. LiFrance, Lewis and Clark Law School; Professor Sylvia A. Law, NYU School of Law.

Professor Ronald Lasing, Lewis and Clark Law School; Professor Robert Justin Lipkin, Widener University School of Law; Professor Hugh C. Macgill, University of Connecticut School of Law; Professor Mari J. Matsuda, Georgetown University Law Center; Associate Professor Finbarr McCarthy, University Beasley School of Law; Director (Retired Professor) Christine M. McDermott, Randolph County Family Crisis Center, North Carolina; Professor Joan S. Meier, George Washington University Law School; Professor Naomi Mezey, Georgetown University Law Center; Professor Eben Moglen, Columbia Law School; Professor Dawn C. Nunziato, George Washington University Law School; Professor Michael S. Perlin, New York Law School; Clinical Professor Mark A. Peters, Northwestern School of Law, Lewis and Clark College; Professor Mark C. Rahdert, Temple University Beasley School of Law; Professor Denise Roy, William Mitchell College of Law.

Professor Joyce Saltalamachia, New York Law School; Clinical Assistant Professor David A. Santacroce, University of Michigan School of Law; Professor Niels Schaumann, William Mitchell College of Law; Professor Margo Schlanger, Washington University School of Law; Professor Marjorie M. Shultz, University of California Boalt School of Law; Senior Lecturer Stephen E. Smith, Northwestern University School of Law; Professor Peter J. Smith, George Washington University Law School; Professor Norman Stein, University of Alabama School of Law; Professor Duncan Kennedy, Harvard Law School; Professor Frank J. Vandall, Emory University School of Law; Professor Kelly Weisberg, University of California Hastings College of the Law; Professor Robin L. West, Georgetown University Law Center; Professor Christina B. Whitman, University of Michigan School of Law; Professor William M. Wiecek, Syracuse University College of Law; Professor Bruce Winick, University of Miami School of Law; Professor Stephen Wizner, Yale Law School; Professor William Woodward, Temple University Beasley School of Law.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, a gun by its very nature must be dangerous. So may an automobile or a knife, or a piece of machinery that does not work properly. There are a lot of dangerous things that we as human beings utilize; and if they work properly, they can be utilized for some-

thing that is good and something that is lawful.

Tort law, however, rests upon a foundation of individual responsibility, in which the product may not be defined as defective unless there is something wrong with the product, rather than with the product's user.

And what this bill attempts to do is to get tort law back to its original moorings where the manufacturer of the product that is not defective in its nature is not legally liable for the criminal misuse of that product by its user.

That is what the issue is before the House today in consideration of S. 397. Now, S. 397 while preventing frivolous and abusive lawsuits also ensures that bad actors can continue to be sued.

The bill allows the following types of lawsuits to be filed: first, an action against a person who transfers a firearm or ammunition knowing that it will be used to commit a crime of violence or drug-trafficking crime or a comparable or identical State felony law;

Second, an action brought against the seller for negligent entrustment or negligence, per se;

Third, actions in which a manufacturer or seller of a qualified product violates a State or Federal statute applicable to the sales or marketing when such violation was the proximate cause of the harm for which the relief is sought. And this exception would specifically allow lawsuits against firearms dealers such as the dealer whose firearm ended up in the hands of the D.C. snipers and those who fail to maintain the required inventory lists necessary to ensure they are alerted to any firearms theft;

Fourth, actions for breach of contract or warranty in connection with the purchase of a firearm or ammunition, and actions for damages resulting directly from a defect in design or manufacture of a firearm or ammunition.

This is a carefully crafted bill. It provides immunity for people who have not done anything wrong, even thought their products may be used in a criminal nature; but it does allow lawsuits to proceed against the bad actors.

It ought to be passed. I am sure it will be passed, and finally we can lay this issue to rest after 6 years of debate. I urge the Members to support this legislation, to send it to the President for his signature, and then we can move on.

Mr. HONDA. Mr. Speaker, I rise today to express my concern over S. 397, the Protection of Lawful Commerce in Arms Act. The safe and lawful use of firearms is very important to me. When I was in the California State Assembly, I chaired the Public Safety Committee where I worked to pass sensible gun safety legislation and I have voted to ban assault weapons. I firmly believe we must pass sensible gun laws for the safety of all.

The measure on the House floor today is intended to protect a manufacturer or seller of a firearm, from any legal liability stemming from the criminal or unlawful misuse of that firearm.

The legislation also requires the immediate dismissal of pending lawsuits, even cases in which a court has found the suit to be meritorious. I fear this bill will deny justice to innocent victims of gun violence, and therefore I will oppose it.

In recent years, dozens of individuals and municipalities have filed lawsuits against gun manufacturers for damages caused by gun violence. Such suits typically contend that gun makers knowingly provide weapons to irresponsible gun dealers, who then take advantage of gun sale loopholes to sell weapons to criminals. Some of these lawsuits by victims of gun violence have begun to expose how the gun industry's reckless, though not always technically criminal, sales tactics supply criminals with weapons.

The gun lobby argues that S. 397 prohibits "frivolous" lawsuits, while allowing "legitimate" cases to proceed through the legal system. However, many legal experts confirm that this bill would give the gun industry sweeping immunity that no other industry has, and would bar many meritorious cases brought by victims of gun violence injured or killed by negligent gun sellers and manufacturers. The bill would even restrict many cases in which a product defect is at issue.

S. 397 seeks to provide sweeping legal immunity to an industry that already enjoys exemptions from Federal health and safety regulations. It would dramatically re-write liability law for the direct benefit of a single industry.

Furthermore, lawsuits brought on behalf of officers injured or killed in the line of duty by guns negligently sold by dealers, would be barred. If immunity for the gun industry is enacted, police officers who put their lives on the line every day to protect the public would have no legal recourse when they are harmed due to another's negligence.

Mr. Speaker, we should not be providing this blanket immunity to the gun industry and I therefore oppose this measure.

Mr. HOYER. Mr. Speaker, I do not believe that manufacturers or sellers of weapons should be liable for injuries, which result from the use of their products in criminal ways, simply because they produce and distribute their products.

The manufacture, distribution and sale of firearms is legal in our Nation. And unless a manufacturer or seller of arms acts in some wrongful or criminal way, holding them liable effectively as insurers—I believe is inappropriate and probably a violator of the Constitution's Commerce Clause.

For example, I believe that the lawsuit pending in Federal court between the District of Columbia and Beretta and other gun manufacturers is an example of a claim that would effectively make gun manufacturers insurers for wrongful conduct. I expect the manufacturers to prevail in that case.

However, the bill before us goes beyond this premise, and overreaches in key respects.

First, I oppose the "look back" provision in this bill that requires the immediate dismissal of civil liability lawsuits against gun manufacturers that are pending on the date of enactment.

As a matter of principle and as a matter of policy, I do not believe that Congress should pass legislation that interferes with on-going civil lawsuits. This is tantamount to changing the rules in the middle of the game, and I generally believe this approach is inappropriate.

And second, I am troubled that, as the American Bar Association has pointed out, the legislation would preempt State product liability laws with a new, higher standard that would protect the gun industry even if it failed to implement safety devices that would prevent foreseeable injuries, so long as an injury or death suffered by a victim resulted when the gun was not "used as intended."

Today, manufacturers must adopt feasible safety devices that would prevent injuries caused when their products are foreseeably misused, regardless of whether the uses are "intended" by the manufacturer, or whether the product "fails" or "improperly" functions.

If perfected, I might well have voted for this bill. However, no amendments were allowed by the Republican Majority to answer the concerns I have expressed. Therefore, I will vote "no."

Mr. PAUL. Mr. Speaker, while I sympathize with the original objective of S. 397, the Protection of Lawful Commerce in Arms Act, I am forced to oppose this legislation primarily because of unconstitutional gun control amendments added to the bill in the Senate.

As a firm believer in the Second Amendment to the United States Constitution and an opponent of all Federal gun laws, I cannot support a bill that imposes new, unconstitutional gun controls on Americans. I believe that the Second Amendment is one of the foundations of our constitutional liberties. In fact, I have introduced legislation, the Second Amendment Protection Act (H.R. 1703), which repeals misguided Federal gun control laws such as the Brady Bill.

Senate amendments added two sections to S. 397 that impose unconstitutional controls on American gun owners and sellers.

First, a section was added to the bill to outlaw any licensed gun importer, manufacturer, or dealer from selling, delivering, or transferring a handgun without a "secure gun storage or safety device." Each and any violation of this requirement can result in a person being fined up to \$2,500 or having his license revoked. This gun lock requirement amounts to the imposition of a new Federal tax on each handgun sale because gun buyers will be forced to pay the cost of the "secure gun storage or safety device" that is required with a handgun, irrespective of if that device is desired. Further, the severe penalties for non-compliance—whether intentional or accidental—add yet more weight to the crippling regulations that hang over gun transactions in the United States.

Second, a section was added to the bill to create draconian penalties for people who possess "armor piercing" bullets. Just like the Democratic Congress before it that passed the "assault weapons" ban, the Republican Congress is poised to give in to anti-gun rights scare tactics by selectively banning bullets. Instead of each gun owner being able to decide what ammunition he uses in his gun, Federal bureaucrats will make that decision. To recognize the threat such regulation places on gun owners, just consider that a gun without ammunition is nothing more than an expensive club. Regulating ammunition is the back door path to gun regulation.

The "armor piercing" bullets restriction imposes a 15 years mandatory minimum sentence for just carrying or possessing such bullets—even without a gun—during or in "relation to" a crime of violence or drug trafficking.

Given the wide scope of criminal laws and the fact that people are on occasion accused of crimes they did not commit, this provision promises to discourage many non-violent, law-abiding individuals from possessing ammunition protected under the Second Amendment. Further, it does not take much imagination to see how such a provision could be used by an anti-gun prosecutor in the prosecution of an individual who used a gun in self defense, especially considering that use of such bullets to murder can result in a death sentence. In such instances, a defendant who exercised self defense may well accept a guilty plea bargain to avoid the severe enhanced penalties imposed under S. 397.

I am particularly disturbed that the House of Representatives' leadership has taken the unusual step of bringing S. 397 to the floor for a vote without House members at least having an opportunity to vote on removing the gun control amendments. Instead of voting on a bill that contains the new gun control provisions, we should be considering H.R. 800, the House version of S. 397 prior to its perversion by gun control amendments. Notably, Gun Owners of America has written to House members to request that they oppose S. 397 and, instead, support H.R. 800. Last month, I wrote to House Speaker DENNIS HASTERT, Majority Leader TOM DELAY, and Committee on the Judiciary Chairman JAMES SENSENBRENNER of my opposition to these anti-gun rights provisions in S. 397. While I am concerned about some of the federalism implications of H.R. 800, it is a far superior bill because it neither requires gun locks nor restricts gun owners' ammunition choices.

With 258 sponsors and cosponsors, H.R. 800 would easily pass the House. The House voting for H.R. 800 would allow the differences between H.R. 800 and S. 397 to be reconciled in conference committee. In conference, every expectation would be that the new gun control provisions would be stripped from the legislation given that the original, unamended S. 397 had 62 Senate sponsors and cosponsors—a filibuster proof majority—in the Senate.

I regret that, under the guise of helping gun owners, the House of Representatives is today considering imposing new unconstitutional gun controls. I, thus, must oppose S. 397.

Mrs. CUBIN. Mr. Speaker, I hail from a State that respects the fundamental, individual right to own firearms granted to all Americans by the Second Amendment. This right, so essential to our liberty, is under assault by legal teams bent on destroying the firearms industry.

They have tried and failed to accomplish this in the People's House and in State legislatures. Now they are using our courts, filing lawsuits with no legal merit, yet still incurring tremendous legal expense.

These lawsuits rest on the misguided notion that those in the firearm industry are liable for the criminal misuse of their products. This is a dangerous precedent. It makes as much sense as suing car manufacturers for damage, injury or death caused by car thieves or joy riders.

It is important to every firearm owner in the State of Wyoming that these lawsuits stop. If allowed to continue, firearms could become unavailable and unaffordable to the law-abiding citizen. The Protection of Lawful Commerce in Arms Act will stop these lawsuits, while protecting causes of action based on

negligence, defective product and other valid claims.

I ask my colleagues to pass this legislation. By doing so, we stand up for the constitutional right of law-abiding Americans to protect themselves, their homes, and their families.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to S. 397, the Protection of Lawful Commerce in Arms Act. My opposition to the measure is based on my belief that it is overly expansive and overarching. This bill prohibits civil liability lawsuits against gun manufacturers from being brought in Federal or State court.

My congressional district is beset by gun violence. I believe that gun owners, manufacturers and dealers must assume responsibility for the wanton gun violence that is being perpetrated as result of the willful neglect of gun dealers who cast blind eyes to illegal and irresponsible gun sales to minors, felons and potential terrorists. It appears to me that we are unwisely and gratuitously insulating gun manufacturers from bona fide civil lawsuits.

This bill protects gun manufacturers but does absolutely nothing to protect innocent victims of gun violence. I am also concerned that we have prohibited suits from being brought in both Federal and State courts and that police officers shot in the line of duty are barred from filing lawsuits. For the families of fallen officers, their only recourse to obtain compensation for the loss of their loved one is through the civil lawsuit process.

I contend that it is vital to preserve the right of citizens to seek redress through civil lawsuits for any harm they experience by virtue of the neglect and irresponsibility of gun manufacturers and dealers. I urge my colleagues to vote, "no" on S. 397, and to support the rights of potential victims of gun violence.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today in support of The Protection of Lawful Commerce in Arms Act. It is critical that the House once again pass this legislation in order to reduce the burden of unsubstantiated lawsuits and the infringement on our Second Amendment rights.

When crimes are committed by a person using a firearm, I support tough sentencing guidelines as well as full and vigorous enforcement of all applicable laws. We must focus on the perpetrators of the crime, rather than frivolous lawsuits directed at gun manufacturers which will only restrict the rights of lawabiding citizens.

The State of New Hampshire has a long history of protecting individual rights and liberties. For millions of Americans, and the many citizens of New Hampshire, firearms provide protection for individuals and their families. I stand in support of this legislation and I will work to see that the Second Amendment right of our citizens to protect themselves will not be infringed upon.

Mr. GRAVES. Mr. Speaker, I rise today in support of the Protection of Lawful Commerce in Arms Act.

Over the last few years, trial lawyers have filed suit against firearms manufacturers across the country in the hopes of bankrupting the industry. These frivolous lawsuits are often based on the dubious premise that gun manufacturers should be held liable for the actions of others who use their products in a criminal or unlawful manner.

This abuse of the legal process demands strong Congressional action, and we are responding with this legislation. This bill will protect the firearms industry from lawsuits based

on the criminal or unlawful third-party misuse of their products. This law is necessary to prevent a few state courts from undermining our Second Amendment rights guaranteed by the Constitution. Contrary to many rumors, this bill will not prevent legitimate victims from having their day in court for cases involving defective firearms, breaches of contract, criminal behavior by a gun maker or dealer, or the negligent entrustment of a firearm to an irresponsible person.

Mr. Speaker, while I have serious concerns about the trigger lock language added to this bill in the Senate, the Protection of Lawful Commerce in Arms Act is an important step in the right direction. The reality is that we need a bill to be signed into law, and this is our greatest opportunity to accomplish meaningful reform which benefits all lawful gun owners and enthusiasts. These irresponsible lawsuits seriously threaten the supply of guns and ammunition available for hunting, self-defense, collecting, competitive or recreational shooting, and other lawful activities, and it is time to put a stop to them.

Mr. STARK. Mr. Speaker, I rise in opposition to the so-called Protection of Lawful Commerce in Arms Act because I don't believe that giving gun makers, gun dealers, and gun trade associations special exemption from lawsuits makes our streets any safer.

If this law had been in place, the families of victims of the DC-area sniper could never have held negligent suppliers accountable. In September 2004, eight victims received a settlement from the dealer that "lost" the snipers' assault rifle from its inventory, along with at least 238 other guns. The victims' families also received a settlement from the manufacturer who negligently supplied the dealer despite its record of missing guns and regulatory violations. Most importantly, as part of the settlement, the manufacturer agreed to instruct its dealers of safer sales practices that should prevent other criminals from obtaining guns.

Since the National Rifle Association owns about two-thirds of the Congress, guns have fewer safety regulations than teddy bears. The American people can't look to Congress to protect them, so they have no choice but to turn to the courts. It's no surprise that this last resort will now be shut down out of deference to the almighty gun industry.

As if this blatant pandering to an industry responsible for widespread violence and mayhem isn't bad enough, this bill also violates the fundamental right of every American to have their day in court. As soon as the President signs this bill into law, Americans will be able to sue the manufacturer of any product except for guns for death, injury, and any other kind of negligence. Congress, at the behest of the NRA, will close the courthouse doors to gun victims.

I vote "no" on this bill because no industry, certainly not the gun industry, should have the right to conduct their business without the oversight of the judicial system.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in opposition to S. 397, the Protection of Lawful Commerce in Arms Act. This resolution immunizes the gun industry—including manufacturers, distributors, dealers, or importers of firearms and ammunition—from civil liability arising from the criminal and unlawful misuse of their products. Advocates of this bill believe that it is necessary to pass in order to prevent the rise of "frivolous" lawsuits against compa-

nies that manufacture and distribute firearms. Advocates say, the Second Amendment of the Constitution protects the rights of these companies to irresponsibly sell their products without any repercussions for the misuse of their product. I believe there is a delicate balance between the right to bear arms, a right provided by the Constitution, and the need to prevent gun violence. This bill, if passed into law, will unfairly shift the balance. Through the laws vested in the Constitution, every American has been given the responsibility to keep and bear arms, but this resolution will dismantle all progress that has been made toward the fight against crime.

Each year more than 30,000 gun-related deaths occur; a third of these 30,000 deaths are committed with malicious "intent by customers of the arms industry who exploit their Second Amendment Right. Since 2000, we have witnessed a 9 percent increase in gun-related homicides. In 2003, firearms were used in over 365,000 cases of violent crime. Fifty percent of all the African American youngsters between the ages of 15 and 19, who die, die from gun violence. When guns and ammunitions reach the wrong hands, we must be able to hold accountable the companies that put destructive weapons in the hands of these criminals.

My dissent for this bill focuses around the lack of responsibility required by arms dealers. When the desired intent of a product is to fatally wound an object through legal or illegal means, there will always be the need of a high demand of accountability. For cases of gun violence in which the firearms industry should be held responsible, this resolution does not protect its victims. In past years, State and Federal Courts have found these types of cases to be grounded in such credible legal principles as negligence, product liability, and public nuisance. If this legislation passes, the high demand of accountability and liability required by firearms companies will drastically decrease. For these reasons, I cannot support the bill.

Mr. UDALL of Colorado. Mr. Speaker, some of my constituents have let me know they disagreed with my past vote against similar legislation. They asked me to take a closer look and consider voting for this bill today, and I promised to do so.

However, after careful review of the bill and consideration of points raised by its supporters and opponents, I have concluded that I cannot in good conscience vote for it.

I voted against similar legislation in the past because I was not convinced there was a need for Congress to take such action to restrict certain lawsuits against the manufacturers and sellers of firearms. And I still am not convinced that the potential adverse consequences of those lawsuits are so great that Congress should close the courthouse door to people who think they have valid claims.

And, as in the past, I am particularly reluctant to support legislation that would go further than barring future lawsuits by requiring the immediate dismissal of cases under active consideration by the courts. It seems to me that this is a dangerous precedent for the legislative branch to undertake, and the courts are in a much better position than Congress to decide whether the people who have brought those pending cases have valid claims or whether their complaints are frivolous or malicious.

It happens that this bill deals with lawsuits against firearms manufacturers. But this concern about changing the legal rules to prohibit further consideration of active cases (as opposed to pending ones) would be the same for similar lawsuits against the makers or sellers of other consumer products that are inherently dangerous, if not lethal, when misused—for example, automobiles and electronic devices.

And, while the bill before us—which has already passed the Senate—differs in some respects from versions we have considered before, it too would apply to pending cases.

At the very least the House should have been able to debate and decide on possible changes to the bill. But that did not happen, because the Republican leadership insisted on bringing the bill to the floor under restrictive procedures that essentially barred any amendments from being offered. I strongly object to this way of considering such legislation.

Most of the debate about this bill has been about its significance for firearms manufacturers—and, if the bill dealt only with manufacturers, I might have come to a different conclusion about the need for liability protection. But the provisions related to sellers or other distributors—provisions that are equally or more important—are another matter.

I also think we should at least debate and consider whether reducing the deterrent effect of potential liability might increase the chance that firearms could knowingly or negligently be transferred to criminals or terrorists. I think the seriousness of this is illustrated by the report of the Government Accountability Office (GAO) indicating that last year alone there were at least 56 times when people the federal government considered known or suspected terrorists attempted to purchase firearms.

It's true that under current law, even actual—let alone suspected—membership in a terrorist organization, by itself, is enough to bar someone from purchasing a firearm. But instead of considering a possible change to this part of current law, today we are debating whether the law should be changed to reduce, not strengthen, the legal deterrents to such purchases.

Mr. Speaker, I know that litigation can be costly, and I am not in favor of frivolous lawsuits. Nor am I in favor of banning gun ownership or abolishing the domestic gun manufacturing industry. Earlier this year, for example, I voted against an amendment that would have banned the export of certain American firearms overseas. And since the House last considered similar legislation I have also undertaken a deeper review of Second Amendment concerns and my staff and I have met with thoughtful and enthusiastic Coloradans (like my good friend Rick Reeser) who feel differently about the implications and desirability of this legislation. I have also had many informative conversations with many Colorado sportsmen and women, including some of my staff who make a compelling case that gun ownership is not just a question of legal rights but also about respecting and preserving a critical component of individual liberty. I embrace this view and respect their concerns and acknowledge the need for a less divisive debate about the preserving Second Amendment rights.

But, after a careful reading of the provisions of this legislation and the most objective review that I can make of the arguments for and against its enactment, I still think we in the

Congress should leave it to the courts to decide which of the lawsuits covered by this bill are frivolous and which are not. For all these reasons, and especially because we were not even permitted to consider any changes, I cannot support this legislation.

Mr. OTTER. Mr. Speaker, I rise today to add my support to S. 397, the Protection of Lawful Commerce in Arms Act.

I also commend Senator LARRY CRAIG from Idaho on his leadership on this legislation, defending Americans' Second Amendment right to bear arms.

The Protection of Lawful Commerce in Arms Act, S. 397, is bipartisan, common-sense legislation that takes an important step toward preventing reckless lawsuits targeting the firearms industry. Such misguided claims against the legal manufacture and sale of firearms and ammunition are akin to suing the Postal Service or an envelope manufacturer over someone committing the crime of mail fraud—it just doesn't make sense. The bill provides protection for those in the firearms industry from lawsuits arising from the acts of people who criminally or unlawfully misuse their products. The bill preserves citizen access to firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

I believe that manufacturers and sellers of firearms and ammunition must be protected from restrictions on interstate or foreign commerce. In light of the concerted efforts by opponents of the Second Amendment to destroy the gun industry through frivolous lawsuits, it has become imperative that we protect the jobs and economic well-being of the thousands of people who work for manufacturers and sellers of firearms and ammunition. I find the idea of holding an industry liable for the criminal misuse of their legal products deplorable. Our nation cannot allow the innocent to pay for the dealings of the guilty, or we circumvent the very foundation of the rule of law. It is the individuals who commit violent crimes, not the makers of the means, who must take personal responsibility for their actions through the restitution and civil penalties affirmed by law. This should be the case whether or not a firearm was used to commit the crime.

Without this legislation, further unfounded lawsuits against the gun industry will lead inevitably to an encroachment upon our Second Amendment rights. Congress must work diligently to reduce the level of political rhetoric surrounding gun control, protect the Second Amendment, and promote the role of personal responsibility in society.

This bill is a key element of our effort to bring some sanity to what's become a thriving personal injury industry in this country. Americans understand that suing legitimate firearms manufacturers and dealers out of existence won't stop criminal gun violence. But trial lawyers are eager to cash in on the pain of victims, and criminals rarely have deep pockets. This puts the responsibility where it belongs.

I joined my colleagues in the House in passing similar legislation during the 108th Congress. That unfortunately got held up in the Senate. I am hopeful we will take the opportunity today to pass this bill with no changes so it can go to the President's desk for a signature. This legislation is long overdue.

Mr. SCOTT of Virginia. Mr. Speaker, once again we find ourselves here debating the scope of the Second Amendment and whether

its purpose is to protect the sanctity of state militias or provide a fundamental right to individuals, irrespective of their relationship to state militias, to possess firearms. While this bill cites in its findings that the Second Amendment protects the right of individuals to bear arms, there has been a definitive resolution by the courts of just what right the Second Amendment protects.

In *United States v. Miller*, the Supreme Court wrote in 1939 that the "obvious purpose" of the right to keep and bear arms in the Second Amendment was "to assure the continuation and render possible the effectiveness" of state militias and that the guarantee of that right "must be interpreted and applied with that end in view." This language was a clear indication that the Second Amendment right to "bear arms" guarantees the right of the people to maintain effective state militias, but does not provide any type of individual right to own or possess weapons.

Mr. Speaker, for more than sixty years following the Supreme Court's decision in *Miller*, there was little judicial debate regarding the scope of the Second Amendment. In fact, virtually every federal appeals court has decided this issue and only one, the Fifth Circuit in *United States v. Emerson*, has endorsed the individual rights view. Since the Emerson opinion in 2001—which was joined by only two circuit court judges and actually upheld the gun law at issue—the individual rights view has been rejected by the Fourth, Sixth, Seventh, Ninth and Tenth Circuits. The First, Second, Third and Eighth Circuits also have issued definitive rulings rejecting the individual rights view.

The First Circuit held that the second amendment applies only to firearms having a "reasonable relationship to the preservation or efficiency of a well-regulated militia." 1939 *Miller* case.

In 1984, in the Second Circuit, the court cited *Miller* for the proposition that the right to possess a gun was "not a fundamental right" because the Second Amendment did not guarantee the right to keep and bear a weapon unless the evidence showed the firearm had some "reasonable relationship" to the preservation or efficiency of a well regulated militia—*U.S. v. Toner*.

In 1996, in the Third Circuit, defendant's possession of machine guns did not have a connection with militia-related activity required for second amendment protections to apply—*U.S. v. Rybar*.

The Fourth Circuit, a 1995 case, stated that courts have consistently held that the second amendment only confers a collective right of keeping and bearing arms which bear a reasonable relationship to the preservation or efficiency of a well-regulated militia—*Love v. Pepersack*.

The Sixth Circuit, in 2000, held that the lower courts have uniformly held that the second amendment preserves a collective rather than an individual right—*U.S. v. Napier*.

The Seventh Circuit, the second amendment establishes no right to possess a firearm apart from the role possession of the gun might play in maintaining a State militia. That is a 1999 case—*Gillespie v. City of Indianapolis*.

The Eighth Circuit stated that the purpose of the second amendment is to restrain the Federal Government from regulating the possession of arms where such regulation would

interfere with the preservation or efficiency of the militia. That is a 1992 case—*U.S. v. Hale*.

The Ninth Circuit in 2003 stated that it is this collective rights model which provides the best interpretation of the second amendment—*Silveira v. Lockyer*.

The Tenth Circuit, a 1977 case, to apply the amendment so as to guarantee an appellant's right to keep an unregistered firearm which has not been shown to have any connection with the militia, merely because he is technically a member of the Kansas militia, would be unjustifiable in terms of either logic or policy—*U.S. v. Oakes*.

The Eleventh Circuit, a 1997 case concerning motivating the creation of the second amendment, convinces us that the amendment was intended to protect only the use or protection of weapons reasonably related to a militia actively maintained and trained by the States—*U.S. v. Wright*. I believe these cases are evidence of the remarkable degree of judicial consensus on the meaning of the Second Amendment.

Mr. Speaker, I suggest that if my colleagues across the aisle want to amend the Constitution, they should do it by amendment rather than attempting to do it through findings.

Mr. Speaker, this bill also contains a provision requiring a conviction before a defendant who has violated 18 U.S.C. 924(h) can be sued. Requiring a conviction before an offender can be sued for the civil consequences of his unlawful acts would constitute an extraordinary change in traditional civil liability standards. The public will remember that O.J. Simpson was found civilly liable for damages, even though he had been acquitted in criminal court. Moreover, such a requirement would create absurd results, based on what a prosecutor may decide to do in a particular case, and when he decides to do it. The prosecutor may choose not to prosecute a particular case at all, for various reasons. This would preclude a claim, regardless of how egregious the injuries or clear the liability. Or, even where the case is prosecuted, the prosecutor may decide to plea bargain by allowing a defendant who has unlawfully transferred a number of guns to plead guilty to one transfer and drop the remainder. It would be absurd to allow one case to go forward and not others, depending on which case was technically pleaded. Of course, it is always possible that a case will be thrown out because of an unlawful search or seizure because of a coerced confession, or simply because the prosecutor is unable to obtain a conviction. And even where there is a conviction, the timing of the conviction, alone, may be dispositive of the claim, because there is nothing in the bill or the law which tolls the statute of limitations on a civil claim, pending a conviction. And there is nothing in the bill to deal with what happens if the conviction is reversed or appeal.

Absent a conviction, the unlawful transfer still must be proven in order to pursue the case. This should be protection enough for someone who causes another harm by criminal conduct.

Mr. Speaker, this bill is an unprecedented attack on the due process rights of victims injured by the misconduct of an industry that seeks to escape the legal rules that govern the rest of us and I urge my colleagues to oppose this bill.

I submit the following list of cases supporting collective view for the RECORD.

A Sampling of Court Decisions that Support the Militia Interpretation of the Second Amendment from The Legal Action Project.

U.S. SUPREME COURT

U.S. v. Miller, 307 U.S. 174 (1939).
Lewis v. United States, 445 U.S. 55 (1980).

U.S. COURTS OF APPEALS

U.S. v. Parker, 362 F.3d 1279 (10th Cir. 2004).
U.S. v. Lippman, 369 F.3d 1039 (8th Cir. 2004).
U.S. v. Price, 328 F.3d 958 (7th Cir. 2003).
U.S. v. Graham, 305 F.3d 1094 (10th Cir. 2002).
U.S. v. Lucero, 43 Fed. Appx. 299 (10th Cir. 2002).
U.S. v. Bayles, 310 F.3d 1302 (10th Cir. 2002).
Silveira v. Lockyer, 312 F.3d 1052, rehearing en banc denied, 328 F.3d 567 (9th Cir. 2003).
Olympic Arms v. Buckles, 301 F.3d 384 (6th Cir. 2002).
U.S. v. Twenty-Two Various Firearms, 38 Fed. Appx. 229 (6th Cir. 2002).
U.S. v. Hancock, 231 F.3d 557 (9th Cir. 2000), cert. denied, 121 S. Ct. 1641 (2001).
U.S. v. Finitz, 234 F.3d 1278 (9th Cir. 2000), cert. denied, 121 S. Ct. 833 (2001).
U.S. v. Lewis, 236 F.3d 948 (8th Cir. 2001).
U.S. v. Hemmings, 258 F. 3d 587 (7th Cir. 2001).
U.S. v. Hager, 22 Fed. Appx. 130 (4th Cir. 2001).
Gillespie v. City of Indianapolis, 185 F.3d 693 (7th Cir. 1999), cert. denied, 528 U.S. 1116 (2000).
U.S. v. Napier, 233 F.3d 394 (6th Cir. 2000).
U.S. v. Baer, 235 F.3d 561 (10th Cir. 2000).
U.S. v. Wright, 117 F.3d 1265 (11th Cir.), cert. denied, 522 U.S. 1007 (1997).
U.S. v. Rybar, 103 F.3d 273 (3rd Cir. 1996), cert. denied, 522 U.S. 807 (1997).
Hickman v. Block, 81 F.3d 98 (9th Cir.), cert. denied, 519 U.S. 912 (1996).
U.S. v. Farrell, 69 F.3d 891 (8th Cir. 1995).
Love v. Peppersack, 47 F.3d 120 (4th Cir.), cert. denied, 516 U.S. 813 (1995).
U.S. v. Friel, 1 F.3d 1231 (1st Cir.1993).
U.S. v. Hale, 978 F.2d 1016 (8th Cir. 1992), cert. denied, 507 U.S. 997 (1993).
U.S. v. Nelsen, 859 F.2d 1318 (8th Cir. 1988).
U.S. v. Toner, 728 F.2d 115 (2d Cir. 1984).
Thomas v. City Council of Portland, 730 F.2d 41 (1st Cir. 1984).
Quilici v. Village of Morton Grove, 695 F.2d 261 (7th Cir. 1982), cert. denied, 464 U.S. 863 (1983).
U.S. v. Oakes, 564 F.2d 384 (10th Cir. 1977), cert. denied, 435 U.S. 926 (1978).
U.S. v. Graves, 554 F.2d 65 (3rd Cir. 1977).
U.S. v. Swinton, 521 F.2d 1255 (10th Cir. 1975), cert. denied, 424 U.S. 918 (1976).
U.S. v. Warin, 530 F.2d 103 (6th Cir.), cert. denied, 426 U.S. 948 (1976).
U.S. v. Johnson, 497 F.2d 548 (4th Cir. 1974).
Eckert v. City of Philadelphia, 477 F.2d 610 (3rd Cir.), cert. denied, 414 U.S. 839 (1973).
U.S. v. Day, 476 F.2d 562 (6th Cir. 1973).
Cody v. U.S., 460 F.2d 34 (8th Cir.), cert. denied, 409 U.S. 1010 (1972).
U.S. v. Decker, 446 F.2d 164 (8th Cir. 1971).
U.S. v. Synnes, 438 F.2d 764 (8th Cir. 1971), vacated on other grounds, 404 U.S. 1009 (1972).
U.S. v. McCutcheon, 446 F.2d 133 (7th Cir. 1971).
Stevens v. U.S., 440 F.2d 144 (6th Cir. 1971).
U.S. v. Tot, 131 F.2d 261 (3rd Cir. 1942), rev'd on other grounds, 319 U.S. 463 (1943).
U.S. v. Cases, 131 F.2d 916 (1st Cir. 1942), cert. denied sub nom., *Velazquez v. U.S.*, 319 U.S. 770 (1943).

U.S. FEDERAL DISTRICT COURTS

Parker v. District of Columbia, 311 F. Supp. 2d 103 (D.D.C. 2004).
Blackburn v. Jansen, 241 F. Supp. 2d 1047 (D. Neb. 2003).
Golt v. City of Signal Hill, 132 F. Supp. 2d 1271 (C.D. Cal. 2001).
Olympic Arms v. Magaw, 91 F. Supp. 2d 1061 (E.D. Mich. 2000).
U.S. v. Willbern, 2000 WL 554134 (D. Kan. Apr. 12, 2000).

U.S. v. Bournes, 105 F. Supp. 2d 736 (E.D. Mich. 2000).

U.S. v. Boyd, 52 F. Supp. 2d 1233 (D. Kan. 1999), aff'd, 211 F.3d 1279 (10th Cir. 2000).

U.S. v. Henson, 55 F. Supp. 2d 528 (S.D. W. Va. 1999).

U.S. v. Visnich, 65 F. Supp. 2d 669 (N.D. Ohio 1999).

U.S. v. Caron, 941 F. Supp. 238 (D. Mass. 1996).

Moscowitz v. Brown, 850 F. Supp. 1185 (S.D.N.Y. 1994).

U.S. v. Kruckel, 1993 WL 765648 (D.N.J. Aug. 13, 1993).

Krisko v. Oswald, 655 F. Supp. 147 (E.D. Pa. 1987).

U.S. v. Kozerski, 518 F. Supp. 1082 (D.N.H. 1981), cert. denied, 496 U.S. 842 (1984).

Vietnamese Fishermen's Association v. KKK, 543 F. Supp. 198 (S.D. Tex. 1982).

Thompson v. Dereta, 549 F. Supp. 297 (D. Utah 1982).

U.S. v. Kraase, 340 F. Supp. 147 (E.D. Wis. 1972).

U.S. v. Gross, 313 F. Supp. 1330. (S.D. Ind. 1970), aff'd on other grounds, 451 F.2d 1355 (7th Cir. 1971).

STATE COURTS

Arnold v. Cleveland, 616 N.E.2d 163 (Ohio 1993).

State v. Fennell, 382 S.E.2d 231 (N.C. 1989).

U.S. v. Sandidge, 520 A.2d 1057 (D.C.), cert. denied, 108 S.Ct. 193 (1987).

Kalodimos v. Village of Morton Grove, 470 N.E.2d 266 (Ill. 1984).

Masters v. State, 653 S.W.2d 944 (Tex.App. 1983).

City of East Cleveland v. Scales, 460 N.E.2d 1126 (Ohio App. 1983).

State v. Vlacil, 645 P.2d 677 (Utah 1982).

In Re Atkinson, 291 N.W.2d 396 (Minn. 1980).

State v. Rupp, 282 N.W.2d 125 (Iowa 1979).

Commonwealth v. Davis, 343 N.E.2d 847 (Mass. 1976).

Burton v. Sills, 248 A.2d 521 (N.J. 1968), appeal dismissed, 394 U.S. 812 (1969).

Harris v. State, 432 P.2d 929 (Nev. 1967).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the Protection of Lawful Commerce in Arms Act. I am an original co-sponsor of the House version of this legislation, H.R. 800.

A lawsuit against a gun manufacturer simply for being a gun manufacturer has no business in American courts.

I am proud that every court in our judicial system has agreed with that and has thrown out these frivolous lawsuits.

However, in U.S. courts we have the American rule, where each side pays their own legal fees under normal circumstances, instead of the English rule, where the loser usually pays.

Generally, I support the American rule because it is fairer to individuals seeking relief from large firms.

Unfortunately the American rule can mean that frivolous lawsuits which have no chance of going anywhere still impose a terrible burden on parties.

Some people in this country are politically opposed to the firearm industry and believe most firearms should be illegal or hard to obtain.

So these folks do not have a problem spending non-profit money and public money on a losing lawsuit in pursuit of ideology.

However, that is not fair to the firearm industry, which is not only completely legal, but has the right to own their product enshrined in the U.S. Constitution.

Therefore, it is particularly bad that the firearm industry has had to pay \$200 million to

defend themselves from frivolous lawsuits that have never, ever succeeded in court.

S. 397 only protects legitimate businesses that comply with Federal, State and local firearm laws.

The bill does not waive liability for actually defective products, breach of contract or warranty, or other causes that are not related to third-party criminal misuse of firearms.

If we are going to sue firearm makers for armed robberies, why not go on and sue the auto maker who made the get-away car?

The idea is absurd, but some groups and politicians want to punish firearm manufacturers for their very existence.

As a result, we must pass S. 397 and send it to the President.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong opposition to the "Protection of Lawful Commerce in Arms Act."

This bill is an attempt to carve out an exclusive liability exemption, and its vote on the floor today is a giveback to the gun industry at a significant cost to the American people.

Under this bill, manufacturers and sellers of firearms or ammunition will not be held accountable for even the most irresponsible distribution of weapons that kill innocent people, including police officers, children and bystanders of gang violence.

While the wholesale prohibition against lawsuits may allow several exemptions, these exclusions overhaul years of legal negligence standards.

I'm concerned that this bill for the gun industry sets an impractical legal standard for even the most reasonable litigation.

In the Washington-area, we are particularly sensitive to gun violence. You may not all remember, but our nation was held captive for three weeks in October 2002 while two men systematically killed ten people and wounded three others with a sniper rifle obtained from an irresponsible gun dealer that "lost" over 200 other unaccounted for guns.

The language in this bill is so restrictive that survivors of the victims would not have had any legal recourse against the company whose negligent business practices led to the deaths of their family.

Under the bill, we are eliminating a powerful incentive for gun dealers to value accountability and keep guns out of the wrong hands. We are implicitly condoning their irresponsible behavior.

I understand the desire to protect the American judicial system from what some people perceive as frivolous lawsuits. But gun manufacturers and sellers should not be able to write their own liability standard into law.

We aren't debating a product that has an inconsequential impact on our nation.

Almost 30,000 people in our country die from firearm injuries, murders, and suicides each year.

According to the National Center for Injury Prevention and Control, as recently as 2002, 2,893 young people were murdered by firearms. That accounts for the second leading cause of death for young people under 19 in the United States.

Our economy even suffers from this senseless violence. From the loss of productivity, medical treatment and rehabilitation and legal costs, gun violence costs the U.S. at least \$100 billion annually.

Instead of putting forth a national plan to end this futile cycle of death, extending the

ban on assault weapons, or even prohibiting people we know are on our own terrorist list from obtaining weapons, we are debating how to best shield the gun industry from accountability and responsibility.

Mr. Speaker, it is unfortunate today that we are sending the wrong message to gun manufacturers and the worst of all possible messages to the public: We are not willing to put special interests aside to protect the American people.

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today in strong support of S. 397, the Protection of Lawful Commerce in Arms Act.

As a gun owner, it troubles me that many interest groups and local municipalities have decided that the way to reduce gun violence is to put the manufacturers of firearms and firearm parts out of business through lawsuits and the fear of lawsuits. Their actions run counter to the main purpose of gun ownership: protection.

The Second Amendment was not written as a mere exercise in constitutional thought. It had a practical purpose: First, to ensure that citizens would have the tools to protect their families and their homes and, second, to ensure that an armed militia could be called up to defend the country in emergencies.

But these lawsuits, Mr. Speaker, have the potential of crippling the American firearms industry, in the same manner as the threat of medical liability has crippled the medical industry. Why would we want to go down that route? Why would we want to put firearms out of the reach of law-abiding citizens.

S. 397, and H.R. 800, the companion legislation of which I was proud to be an original co-sponsor, would prohibit state and Federal lawsuits against the gun industry for deaths resulting from unlawful actions of the user.

In my estimation, Mr. Speaker, these lawsuits are a threat to our hard-earned Second Amendment rights. It is entirely proper that we should prevent such unconstitutional actions. I commend the gentleman from Florida, Mr. STEARNS, and Chairman SENSENBRENNER for their hard work on this legislation, and I urge passage of the bill.

Mr. EMANUEL. Mr. Speaker, I rise in strong opposition to S. 397, the Gun Manufacturers Liability Protection Act. Shielding gun manufacturers, dealers and distributors from liability is one of the most egregious forms of corporate welfare we've considered in this House all year.

This is George Orwell legislation at its finest—all industries are equal, but some are more equal than others. If you sell beer to a 17-year-old and he causes an accident, you can be held liable. But if you allow a 17-year-old to walk out of your store with a high powered rifle, don't worry. Congress has your back.

Mr. Speaker, this is not a hypothetical case. Last year the families of DC sniper victims settled for \$2.5 million with Bull's Eye Shooter Supply and Bushmaster Firearms, because Bull's Eye allowed Lee Boyd Malvo to shoplift a military quality rifle—one of 233 guns they could not account for when investigated by the ATF. Some of my colleagues call this a frivolous lawsuit. I don't think there is anything frivolous about 233 missing guns.

In July of this year we gift wrapped a provision in the Medical Malpractice Bill that shielded the pharmaceutical industry from liability on any drug that made it through the regular FDA

approval process. Coincidentally, Merck Pharmaceuticals was at the same time facing multiple lawsuits tied to its misrepresentation of the dangers of the prescription drug Vioxx.

Thanks to this Congress, Americans can continue to exercise their Constitutional right to seek redress in the court system, unless it involves guns or drugs.

I am gratified to see that this bill does include certain common-sense provisions such as child safety locks and a ban on armor-piercing bullets. We fought hard for these ideas in the Clinton Administration and I urge my colleagues to resist any pressure to have them removed.

Despite my support for these ideas I must vote no on the overall bill. Mr. Speaker, this bill denies Americans one of their most basic rights in order to provide special protections for a very special interest. I urge my colleagues to resist the gun lobby and defeat this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 493, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of S. 397 will be followed by a 5-minute vote on the motion to instruct on H.R. 2744.

The vote was taken by electronic device, and there were—yeas 283, nays 144, not voting 6, as follows:

[Roll No. 534]

YEAS—283

Aderholt	Boucher	Crenshaw
Akin	Boustany	Cubin
Alexander	Boyd	Cuellar
Baca	Bradley (NH)	Culberson
Bachus	Brady (TX)	Cunningham
Baird	Brown (SC)	Davis (AL)
Baker	Brown-Waite,	Davis (KY)
Barrett (SC)	Ginny	Davis (TN)
Barrow	Burgess	Davis, Jo Ann
Bartlett (MD)	Burton (IN)	Davis, Tom
Barton (TX)	Butterfield	Deal (GA)
Bass	Buyer	DeFazio
Bean	Calvert	Dent
Beauprez	Camp	Diaz-Balart, L.
Berkley	Cannon	Diaz-Balart, M.
Berry	Cantor	Dingell
Biggert	Capito	Doolittle
Bilirakis	Cardoza	Drake
Bishop (GA)	Carter	Dreier
Bishop (UT)	Chabot	Duncan
Blackburn	Chandler	Edwards
Blunt	Chocola	Ehlers
Boehlert	Coble	Emerson
Boehner	Cole (OK)	English (PA)
Bonilla	Conaway	Everett
Bonner	Cooper	Feeney
Bono	Costa	Ferguson
Boozman	Costello	Fitzpatrick (PA)
Boren	Cramer	Flake

Foley	Latham	Renzi
Forbes	LaTourette	Reyes
Ford	Leach	Reynolds
Fortenberry	Lewis (CA)	Rogers (AL)
Fossella	Lewis (KY)	Rogers (KY)
Fox	Linder	Rogers (MI)
Franks (AZ)	LoBiondo	Rohrabacher
Frelinghuysen	Lucas	Ros-Lehtinen
Gallegly	Lungren, Daniel	Ross
Garrett (NJ)	E.	Royce
Gerlach	Mack	Ryan (OH)
Gibbons	Manzullo	Ryan (WI)
Gilchrest	Marchant	Ryun (KS)
Gillmor	Marshall	Salazar
Gingrey	Matheson	Sanchez, Loretta
Gohmert	McCaul (TX)	Sanders
Goode	McCotter	Saxton
Goodlatte	McCrery	Schmidt
Gordon	McHenry	Schwarz (MI)
Granger	McHugh	Scott (GA)
Graves	McIntyre	Sensenbrenner
Green (WI)	McKeon	Sessions
Green, Gene	McMorris	Shadegg
Gutknecht	Melancon	Shaw
Hall	Mica	Sherwood
Harris	Michaud	Shimkus
Hart	Miller (FL)	Shuster
Hastings (WA)	Miller (MI)	Simmons
Hayes	Miller, Gary	Simpson
Hayworth	Mollohan	Skelton
Hefley	Moran (KS)	Smith (NJ)
Hensarling	Murphy	Smith (TX)
Herger	Murtha	Sodrel
Herseth	Myrick	Souder
Higgins	Neugebauer	Spratt
Hinojosa	Ney	Stearns
Hobson	Northup	Strickland
Hoekstra	Norwood	Stupak
Holden	Nunes	Sullivan
Hostettler	Nussle	Sweeney
Hulshof	Obey	Tancredo
Hunter	Ortiz	Tanner
Hyde	Osborne	Taylor (MS)
Inglis (SC)	Otter	Taylor (NC)
Issa	Oxley	Terry
Istook	Pearce	Thomas
Jenkins	Pence	Thompson (CA)
Jindal	Peterson (MN)	Thornberry
Johnson (CT)	Peterson (PA)	Tiahrt
Johnson (IL)	Petri	Tiberi
Johnson, Sam	Pickering	Turner
Jones (NC)	Pitts	Upton
Kanjorski	Platts	Walden (OR)
Kaptur	Poe	Walsh
Kelly	Pombo	Wamp
Kennedy (MN)	Pomeroy	Weldon (FL)
Kind	Porter	Weldon (PA)
King (IA)	Price (GA)	Weller
King (NY)	Pryce (OH)	Westmoreland
Kingston	Putnam	Whitfield
Kline	Radanovich	Wicker
Knollenberg	Rahall	Wilson (NM)
Kolbe	Ramstad	Wilson (SC)
Kuhl (NY)	Regula	Wolf
LaHood	Rehberg	Young (AK)
Larsen (WA)	Reichert	Young (FL)

NAYS—144

Abercrombie	Doggett	Kildee
Ackerman	Doyle	Kilpatrick (MI)
Allen	Emanuel	Kirk
Andrews	Engel	Kucinich
Baldwin	Eshoo	Langevin
Becerra	Etheridge	Lantos
Berman	Evans	Larson (CT)
Bishop (NY)	Farr	Lee
Blumenauer	Fattah	Levin
Brady (PA)	Filner	Lewis (GA)
Brown (OH)	Frank (MA)	Lipinski
Brown, Corrine	Gonzalez	Lofgren, Zoe
Capps	Green, Al	Lowey
Capuano	Grijalva	Lynch
Cardin	Gutierrez	Maloney
Carnahan	Harman	Markey
Carson	Hastings (FL)	Matsui
Case	Hinchey	McCarthy
Castle	Holt	McCollum (MN)
Clay	Honda	McDermott
Cleaver	Hoolley	McGovern
Clyburn	Hoyer	McKinney
Conyers	Inslee	McNulty
Crowley	Israel	Meehan
Cummings	Jackson (IL)	Meek (FL)
Davis (CA)	Jackson-Lee	Meeks (NY)
Davis (IL)	(TX)	Menendez
DeGette	Jefferson	Millender
Delahunt	Johnson, E. B.	McDonald
DeLauro	Jones (OH)	Miller (NC)
Dicks	Kennedy (RI)	Miller, George

Moore (KS) Rush
 Moore (WI) Sabo
 Moran (VA) Sánchez, Linda
 Nadler T.
 Napolitano Schakowsky
 Neal (MA) Schiff
 Oberstar Schwartz (PA)
 Olver Scott (VA)
 Owens Serrano
 Pallone Shays
 Pascrell Sherman
 Pastor Slaughter
 Paul Smith (WA)
 Payne Snyder
 Pelosi Solis
 Price (NC) Stark
 Rangel Tauscher
 Rothman Thompson (MS)
 Ruppersberger Tierney

Towns
 Udall (CO)
 Udall (NM)
 Van Hollen
 Velázquez
 Visclosky
 Wasserman
 Schultz
 Waters
 Shays
 Watson
 Watt
 Waxman
 Weiner
 Wexler
 Woolsey
 Wu
 Wynn

The vote was taken by electronic device, and there were—yeas 209, nays 216, not voting 8, as follows:

[Roll No. 535]

YEAS—209

Boswell
 Davis (FL)

NOT VOTING—6

□ 1153

Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHAKOWSKY, and Mr. DICKS changed their vote from “yea” to “nay.”

Ms. LORETTA SANCHEZ of California, Mrs. EMERSON, Mr. MORAN of Kansas, and Mr. JONES of North Carolina changed their vote from “nay” to “yea.”

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MUSGRAVE. Mr. Speaker, on rollcall No. 534 I was unavoidably detained. Had I been present, I would have voted “yea.”

MOMENT OF SILENCE IN MEMORY OF VICTIMS OF RECENT EARTHQUAKE IN PAKISTAN, INDIA AND AFGHANISTAN

The SPEAKER. The Chair would ask all Members to stand and observe a moment of silence in memory of the victims of the recent earthquake in Pakistan, India and Afghanistan.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, proceedings will resume with a 5-minute vote.

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

MOTION TO INSTRUCT OFFERED BY MS. DELAURO

The SPEAKER. The unfinished business is the vote on the motion to instruct on H.R. 2744 offered by the gentlewoman from Connecticut (Ms. DELAURO) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER. The question is on the motion to instruct.

This will be a 5-minute vote.

Abercrombie
 Ackerman
 Allen
 Andrews
 Baca
 Baird
 Baldwin
 Barrow
 Bean
 Becerra
 Berkeley
 Berman
 Berry
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boren
 Boucher
 Boyd
 Brady (PA)
 Brown (OH)
 Brown, Corrine
 Butterfield
 Camp
 Capps
 Capuano
 Cardin
 Cardoza
 Carnahan
 Carson
 Case
 Chandler
 Clay
 Cleaver
 Clyburn
 Conyers
 Cooper
 Costa
 Costello
 Cramer
 Crowley
 Cuellar
 Cummings
 Cunningham
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dicks
 Dingell
 Doggett
 Doyle
 Edwards
 Emanuel
 Engel
 Eshoo
 Etheridge
 Evans
 Farr
 Fattah
 Filner
 Ford
 Frank (MA)
 Gonzalez
 Gordon
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Harman
 Hastings (FL)
 Hereth
 Higgins
 Hinchey
 Hinojosa
 Holden
 Holt
 Honda
 Hooley
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Johnson (CT)
 Johnson (IL)
 Johnson, E. B.
 Jones (NC)
 Jones (OH)
 Kanjorski
 Kaptur
 Kennedy (RI)
 Kildee
 Kilpatrick (MI)
 Kind
 Kucinich
 Langevin
 Lantos
 Larsen (WA)
 Larson (CT)
 Leach
 Lee
 Levin
 Lewis (GA)
 Lewis (KY)
 Lipinski
 Lofgren, Zoe
 Lowey
 Lynch
 Maloney
 Markey
 Marshall
 Matheson
 Matsui
 McCarthy
 McCollum (MN)
 McDermott
 McGovern
 McIntyre
 McKinney
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Melancon
 Menendez
 Michaud
 Millender
 McDonald
 Miller (NC)
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Murtha
 Nadler
 Napolitano
 Neal (MA)
 Oberstar
 Obey
 Oliver
 Ortiz
 Owens
 Pallone
 Pascrell
 Pastor
 Payne
 Pelosi
 Peterson (MN)
 Pomeroy
 Price (NC)
 Pryce (OH)
 Rahall
 Rangel
 Reyes
 Ross
 Rothman
 Ruppersberger
 Rush
 Ryan (OH)
 Sabo
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Schakowsky
 Schiff
 Schwartz (PA)
 Scott (GA)
 Scott (VA)
 Serrano
 Shays
 Sherman
 Simmons
 Skelton
 Slaughter
 Snyder
 Solis
 Spratt
 Strickland
 Stupak
 Sullivan
 Tanner
 Tauscher
 Taylor (MS)
 Thompson (CA)
 Thompson (MS)
 Tierney
 Towns
 Udall (CO)
 Udall (NM)
 Van Hollen
 Velázquez
 Visclosky
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Wexler
 Whitfield
 Woolsey
 Wu
 Wynn

NAYS—216

Aderholt
 Akin
 Alexander
 Bachus
 Baker
 Barrett (SC)
 Bartlett (MD)
 Barton (TX)
 Bass
 Beauprez
 Biggert
 Bilirakis
 Bishop (UT)
 Blackburn
 Blunt
 Boehlert
 Boehner
 Bonilla
 Bonner

Bono
 Boozman
 Boustany
 Bradley (NH)
 Brady (TX)
 Brown (SC)
 Brown-Waite,
 Ginny
 Burgess
 Burton (IN)
 Buyer
 Calvert
 Cannon
 Cantor
 Capito
 Carter
 Castle
 Chabot
 Chocola

Coble
 Cole (OK)
 Conaway
 Crenshaw
 Cubin
 Culberson
 Davis (KY)
 Davis, Jo Ann
 Davis, Tom
 Deal (GA)
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Doolittle
 Drake
 Dreier
 Duncan
 Ehlers
 Emerson

English (PA)
 Everett
 Feeney
 Ferguson
 Fitzpatrick (PA)
 Flake
 Foley
 Forbes
 Fortenberry
 Fossella
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Gibbons
 Gilchrest
 Gillmor
 Gingrey
 Gohmert
 Goode
 Goodlatte
 Granger
 Graves
 Green (WI)
 Gutknecht
 Hall
 Harris
 Hart
 Hastings (WA)
 Hayes
 Hayworth
 Hefley
 Hensarling
 Herger
 Hobson
 Hoekstra
 Hostettler
 Hulshof
 Hunter
 Hyde
 Inglis (SC)
 Issa
 Istook
 Jenkins
 Jindal
 Johnson, Sam
 Kelly
 Kennedy (MN)
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kline
 Knollenberg
 Kolbe
 Kuhl (NY)
 LaHood
 Latham
 LaTourette
 Lewis (CA)
 Linder
 LoBiondo
 Lucas
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 McCaul (TX)
 McCotter
 McCrery
 McHenry
 McHugh
 McKeon
 McMorris
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Moran (KS)
 Murphy
 Musgrave
 Neugebauer
 Ney
 Northup
 Norwood
 Nunes
 Nussle
 Osborne
 Otter
 Oxley
 Paul
 Pearce
 Pence
 Peterson (PA)
 Petri
 Pickering
 Pitts
 Platts
 Poe
 Pombo
 Porter
 Price (GA)
 Putnam
 Radanovich
 Ramstad

Regula
 Rehberg
 Reichert
 Renzi
 Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Royce
 Ryan (WI)
 Ryun (KS)
 Saxton
 Schmidt
 Schwarz (MI)
 Sensenbrenner
 Sessions
 Shadegg
 Shaw
 Sherwood
 Shimkus
 Shuster
 Simpson
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Sodrel
 Souder
 Stearns
 Sweeney
 Tancredo
 Taylor (NC)
 Terry
 Thomas
 Thornberry
 Tiahrt
 Tiberi
 Turner
 Upton
 Walden (OR)
 Walsh
 Wamp
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Young (AK)
 Young (FL)

NOT VOTING—8

Boswell
 Davis (FL)
 DeLay
 Keller
 Moran (VA)
 Myrick
 Roybal-Allard
 Stark

□ 1204

Mr. DAVIS of Kentucky changed his vote from “yea” to “nay.”

Mrs. MCCARTHY changed her vote from “nay” to “yea.”

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Chair appoints the following conferees on H.R. 2744: Messrs. BONILLA, KINGSTON, LATHAM, Mrs. EMERSON, Messrs. GOODE, LAHOOD, DOOLITTLE, ALEXANDER, LEWIS of California, Ms. DELAURO, Messrs. HINCHEY, FARR, BOYD, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 551

Mr. HONDA. Mr. Speaker, I ask unanimous consent to have the name of my colleague from Arizona (Mr. FRANKS) removed as a cosponsor of H.R. 551. His name was added in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT PROCESS FOR H.R. 1461, FEDERAL HOUSING FINANCE REFORM ACT OF 2005

Mr. SESSIONS. Mr. Speaker, the Rules Committee may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 1461, the Federal Housing Finance Reform Act of 2005. The bill was introduced on April 5 and referred to the Committee on Financial Services which ordered the bill reported out by a vote of 65-5 on May 25 and filed in the House on July 14.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H-312 of the Capitol by noon on Tuesday, October 25, 2005. Members should draft their amendments to the text of the bill as reported by the Committee on Financial Services on July 14. Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman: the bill which you just indicated would be on the floor next week and you asked for amendments to be filed in a timely fashion is a very important bill. It came out, as you pointed out, with overwhelming bipartisan support. I think you said 65-7. Since that time, it is my understanding that there has been some change in the bill. In particular, I refer to the provision which deals with the ability of those who may receive dollars under the provisions of the bill for the purposes of constructing affordable housing, that if they receive Federal funds that they will be unable to thereafter participate in encouraging voter registration drives or getting more people on the rolls to vote. That is something that I think the whole House ought to address.

I believe the ranking member is going to ask that that be struck from the bill so that there not be a preclusion on voter registration drives or participation. The Catholic Conference is very concerned about that. I would presume a number of faith-based organizations are very concerned about that provision. I may have a discussion briefly with the acting majority leader on that issue as well.

But can the gentleman tell me whether or not he believes the Rules

Committee will allow the gentleman from Massachusetts (Mr. FRANK) to offer an amendment which would put the bill back in the position which 65 people in the committee supported at the time it was reported out.

I thank my colleague for yielding and would ask him if he can give us some thought on that issue, which we feel very strongly about, and hope that that amendment can be protected and made in order by the committee and that we will have a full and fair debate on the floor of the House with reference to that amendment.

Mr. SESSIONS. Reclaiming my time, I appreciate the gentleman not only asking these questions but bringing up and talking about some important issues.

First of all, I would be the first one to admit that we have for the last few weeks been dealing with issues related to Katrina and other important matters as it relates to housing.

To answer the gentleman most directly, I must say that the instructions that I have given are that we are going back to the bill of July 14. There have been no changes made at this time to that. That will be the text that will be considered by the Rules Committee. The Rules Committee, as we deliberate, we take into consideration amendments of how people would wish for the bill to be changed, new thoughts and ideas; and that will be just as current as the filing date that we have set. So it is my hope that you would have the opportunity to work with Members of your party, and that this announcement would be available for Members of my party to say that we are open to any amendment, any thought process that people would like to come to the Rules Committee.

It is not unusual for us to hold hearings and take testimony that may take hours and hours and we hear from people. That thought process will be considered next week. The chairman of the Rules Committee, the gentleman from California, has instructed me to advise Members that we will be ready to do business next week and be open to the amendment process as Members choose.

Mr. HOYER. I thank the gentleman for that information. There has been some suggestion, I understand, however, that although the bill may be in the same shape now, that there is a manager's amendment proposed and that the vote on the manager's amendment, which we presume, we have not seen it, would cover a multitude of subjects that are in the bill; that the vote on the issue that I have raised could be made on that manager's amendment. Therefore, you would have to vote against the manager's amendment if it changes the provision to which I referred.

I would hope, and this is not a question, just an expression, that the majority would make in order an amendment so that we could have a debate on that issue if in fact the manager's

amendment does what we are concerned about and some people are proposing undermining the ability of some groups, faith-based groups. That is why the Catholic Conference is so concerned about it, faith-based groups or other groups who would build affordable housing, get money under the bill and then be precluded from participating in any efforts, not partisan efforts but nonpartisan efforts to get people on the rolls.

I would just urge the gentleman, who is a distinguished member of the Rules Committee, to consider, very hopefully, favorably the request of Ranking Member FRANK to have made in order an amendment to deal with that subject. I thank the gentleman for yielding.

Mr. SESSIONS. I would say to the gentleman, reclaiming my time, that the Rules Committee has been visited by the gentleman from Massachusetts. He is no stranger to the Rules Committee. You also in your leadership capacities and otherwise as a Member of Congress representing your constituents from Maryland have been very vigorous in your support of the things which you believe, the ideas which you choose to press to the Rules Committee. The Rules Committee is very open, and our esteemed chairman will make available that time.

We do not know the content of that manager's amendment that you are talking about at this time. We once again encourage all Members, including the process that will be followed for the manager's amendment, to be filed on that date, October 25.

Mr. HOYER. I thank the gentleman.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend from Missouri (Mr. BLUNT), the distinguished acting majority leader, for the purpose of inquiring about the schedule for the week to come.

Mr. BLUNT. Mr. Speaker, I thank my good friend for yielding and would say that we intend to convene the House next Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any vote called on these measures on Tuesday will be rolled until 6:30 p.m.

For Wednesday and the balance of the week, the House will consider additional legislation under suspension of the rules, as well as several measures under a rule. One will be the Federal Housing Finance Reform Act of 2005 that has just been discussed; two, the Lawsuit Abuse Reduction Act of 2005. The third bill that we would expect to see under a rule would be House Joint Resolution 65, which would be a resolution necessary under the Defense Base Closure Commission for the House to

have a disapproval vote on the work of that commission, a vote that is required by the structure itself.

□ 1215

In addition to that we plan to consider an amendment to the fiscal year 2006 budget resolution that would outline plans for budgeting for the expenses associated with Hurricane Katrina.

I would also like to announce at this time that the following Monday, while we have scheduled that as a workday, the following Monday, October 31, will be a day that we will not be in session. That allows Members to spend that day with their families, and for Members who want to take their children or their grandchildren trick or treating, that day is available for them to do that.

Mr. HOYER. Mr. Speaker, reclaiming my time, on behalf of all the parents and grandparents, the acting majority leader and I had a brief conversation about my 3-year-old granddaughter, who this past weekend had the opportunity to show me the costume she is going to be wearing on trick or treat night, and she said, Hey, Pop, can you go with me? And I appreciate the gentleman's making that time available on behalf of his side and my side for all of us who might be doing that. That is a treat early, not a trick, and we appreciate that very much.

First of all, Mr. Speaker, the leader heard me have the discussion with the gentleman from Texas (Mr. SESSIONS) of the Committee on Rules. I wonder if perhaps you could comment. We do not know the status of the manager's amendment, as the gentleman from Texas (Mr. SESSIONS) indicates. The acting majority leader does not know the status of the amendment, and I presume that is being worked on. But we have concerns that a very critically important provision of the bill, an overwhelming bipartisan bill, 65 to 7, might be changed and might have added to it a condition for the receipt of money by faith-based charitable organizations, nonprofit organizations to receive money to build housing; that if they received such money that a condition of the receipt of that money would be that they could not participate in voter registration efforts.

We have a letter from Catholic bishops very concerned about that. Other faith-based organizations are very concerned about that. I am sure nonfaith-based organizations are concerned about that. And, obviously, if the position is left in place as it now exists or as it existed when it passed out of the House, we would think that, without that preclusion, without that condition attached, we would be obviously not offering an amendment because we all agree with that. On the other hand, if the manager's amendment somehow changes that and puts that condition into the bill, then we would very much hope, Mr. Speaker, that the majority would allow all the

Members who think perhaps that condition should not be attached to the bill to have a free shot at making that policy judgment on a separate amendment rather than just as a vote against the manager's amendment, which seems like somewhat not only a clumsy vehicle but very conflicted because there will be some issues in the manager's amendment, most of which I am sure the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Ohio (Mr. OXLEY) will probably agree on, but I would hope that the acting majority leader could work with the gentleman from California (Mr. DREIER), with his leadership to ensure that we have a freestanding debate on that issue. It is an important issue, and I think it will serve the House well if we do that.

I would be glad to yield to my friend for any comments he might have.

Mr. BLUNT. Mr. Speaker, I appreciate my friend yielding to me.

I listened particularly carefully to the gentleman from Texas' answer after the gentleman from Maryland said he might ask me the same question. I am not sure I can improve on his answer to any extent. I think that is the purpose for the Committee on Rules hearing to make that case.

I believe there will be amendments allowed. I know there is a wide discussion that this new fund, a fund we have never had before, if we do create that fund, can be part of the solution to the impact of Hurricane Katrina and Rita and maybe even Wilma. So, assuming that Wilma creates a housing problem as well, for that to be included there would have to be some amendment, as the gentleman suggested, even though the bill, when it came out of the Committee on Financial Services weeks, I believe now even perhaps months ago, with a large vote, does need some adjustment because of circumstances that have occurred since then that both the ranking member and the chairman would be supporting.

But that is the purpose of that hearing, and I thought that the gentleman from Texas (Mr. SESSIONS) made the case well, that the Committee on Rules will listen to those arguments and make that determination.

Mr. HOYER. Mr. Speaker, reclaiming my time, I think he made the case that they would listen and make a determination. We are hopeful that they will make a determination that if they are going to change the bill by the manager's amendment they will allow the full House to consider whether that change is appropriate. But I thank the gentleman for his information.

Secondly, Mr. Speaker, if I can, we appreciate very much the action on Halloween, on that Monday, October 31. I think that was appropriate. As the gentleman knows, the following week, November 8 is election day for a lot of people: New York City, the State of California, obviously very large jurisdictions; Virginia, a major election going on there. All of us are watching

that election go on. New Jersey gubernatorial, as is Virginia and Ohio. So a very large number of people in America will be confronting elections and, therefore, a large number of our Members.

Has the majority considered the possibility of making sure that we do not have votes until later on in the day, Tuesday, so that we can free up our Members in those jurisdictions, A, to vote and, B, to participate to the extent that they feel it necessary to do so?

I yield to the gentleman.

Mr. BLUNT. Mr. Speaker, I appreciate the gentleman yielding to me.

The week that is in question there has, of course, been on the calendar for a while as a workweek. We would intend at this point to have the reconciliation items on the floor that week. It will be a very full week of work if we hope to get out of here by Thanksgiving, by November 18, as is still our principal goal if we find cooperation in the Senate on that. I think it is likely that we would stay with the regular schedule. We have elections in Missouri too on that day, and while I hope to be there part of the day on Monday, I have already voted absentee, and I assume many of our other Members have already taken that action as well.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his information. Perhaps we can talk about that further. I understand the problem. We are running out of time. We have got to use the days that are available. That is a very practical problem. I did not have Missouri on my list, but obviously a large number of States. Maryland does not. Maryland does not have elections this Tuesday other than municipal elections, so that is not a real problem for our State. But I understand the time problem, and perhaps we can discuss it a little further and see if there are some other times that we might utilize.

Finally, I would like to inquire further on the schedule for the balance of the year. Our target adjournment date, as I understand it, is November 18. I hope we can make that. As the gentleman pointed out, we do not have total control. The other body has to do things as well for us to get there.

If we do not make November 18, am I correct that the week of Thanksgiving, the Members can be assured that they will not be here the week of Thanksgiving, and am I correct that the probability is that the week after Thanksgiving, which I think starts either the 28th or 29th, that Monday, would not be weeks that we would be here but that, if need be, the week after that and perhaps the week after that in December would be weeks that we would be utilizing?

I yield to the gentleman.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding to me.

We still are hopeful that November 18 could be the date. Our friends in the other body did indicate this week that

they had work on schedule that would allow them to keep that date. I think it is reasonable to assume that some of the work we have to do jointly will stretch out to meet the time frame that they are here rather than the time frame that we are here, and we need to be aware of that. We are still hoping for November 18.

The week after Thanksgiving, the week that starts on November 28 and ends on December 2, if we are still in session at the end of the month of November, we would not plan to work that week. Clearly, we do not plan to work Thanksgiving or the day after. If, in finishing this process up, November 19, November 20, November 21 would finish the process up, I would hate to suggest that we would not finish and get our work done, but certainly the November 28 to December 2 would be a date that I think he and I could right now announce to the Members that if they are planning family activities after Thanksgiving that even if we are still in session, we would not intend for that week to be a workweek.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his answer. I think that is very helpful for Members who are trying to plan.

Mr. Speaker, the PATRIOT Act, we were told that we might go to conference on that bill this week. That did not happen. Does the gentleman know when we anticipate perhaps going to conference on the PATRIOT Act?

Mr. BLUNT. Mr. Speaker, if the gentleman will continue to yield, we are continuing to do work on getting ready for that conference. I would hope that that conference would occur at any time. I am confident that we will appoint conferees and have that conference completed before the law expires. So I think that in itself sets a fairly short deadline but would expect to see that happen in the near future as we thought it might even happen this week.

Mr. HOYER. Mr. Speaker, I appreciate his answer.

Reclaiming my time, on appropriations conference reports, prior to the Thanksgiving recess, can he tell us how many he anticipates might be ready, obviously realizing that the other body's actions are difficult to determine, but does he have any thoughts on what appropriations conference reports we might be considering prior to the November 18 date?

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding and would say that it is still our goal to get out of here, to get the session completed by the Thanksgiving recess. In that case we would have all the bills completed.

The Senate seems to have really gotten their appropriations process energized in a way that means a number of bills will soon be ready for conference. As the gentleman knows, three of the

bills have already been signed into law by the President. It is possible that we would have other additional conference reports next week.

I am not trying to anticipate too much here, but I think the most likely conference that might be completed next week would be the conference that we just appointed conferees to, the agriculture conference, and have that bill as a fourth bill that was completed. But the Senate work that allows us to address these bills one at a time, which I know we all believe is the best way to do this work, has finally reached a point that bears some likelihood that all of that could happen and hopefully will happen by November 18.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his answer.

Lastly, we were expecting today to have a budget amendment, or an amended budget, on the floor today. That did not happen. He referenced it in his opening discussion of the schedule.

Does he expect that bill to come to the floor next week, and if so, does he expect it to call for reconciliation cuts above and beyond the \$35 billion that was in the original budget?

I yield to the gentleman.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I think I announced earlier that I did expect that bill to be on the floor next week. And in addition, the change in the approach to that measure would be that it would include not only a higher goal for savings in the mandatory programs, an issue we do not take up very often in the House. I think this would be the second time in 10 years we have looked at mandatory savings, but also to include a commitment to revisit the discretionary part of the budget sometime between now and the end of the process and to work with the administration on reconciliation as well as looking at the authority for programs that we did not fund in this Congress and in several cases have not funded for some time and eliminate the authority for perhaps as many as 95 or more programs that are receiving no funding.

□ 1230

All four of those items would be in the budget resolution that the Committee on the Budget would bring to the floor.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

ADJOURNMENT TO MONDAY, OCTOBER 24, 2005, AND HOUR OF MEETING ON TUESDAY, OCTOBER 25, 2005

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 25, 2005, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Missouri? There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DEMOCRAT IRRESPONSIBILITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, with the recent hurricanes on the gulf coast, it is heartwarming to witness the unity and the outpouring of support from all Americans.

It is a unity of purpose from all, except one group: Democrats in the House of Representatives. That is right.

Our Republican leadership is working valiantly to find resources to provide help for the displaced residents. The way to do that is to reopen the budget and identify savings elsewhere to pay for those new costs, and the Democrat leadership says, They won't get one Democrat vote.

Now, that is leadership. How sad.

Mr. Speaker, the American people expect us to work together to solve problems. Democrats are stuck practicing the tired, old, petty, partisan politics of the past; and this is disappointing and irresponsible. America deserves more than obstruction from a once-proud party.

BUDGET AMENDMENT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the Republicans' misplaced budget priorities are actually shameful. They continue to be a reverse Robin Hood, slashing funds to safety net programs only to give more tax cuts to the wealthiest of Americans.

The budget reconciliation that we will talk about next week or the next week, whenever you guys can get your stuff together, proposes huge cuts in important programs that the poor and the working poor depend on day in and day out, such as \$15 billion in cuts in Medicaid programs; \$12.5 billion for student loans; and almost \$1 billion in cuts for food stamps. All of this while, and you would allow the richer to get even richer at the expense of helping those who need it the most, doing

nothing to offset Katrina expenses or to reduce our Nation's deficit.

Using Hurricane Katrina as an excuse to extend tax cuts, while taking from the programs that the victims of the hurricane need most, is an embarrassment. I hope you will fix it.

REPUBLICANS OFFER A COMMON-SENSE BUDGET PROPOSAL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, when American families face financial crises, they make important sacrifices and responsible decisions to get their family budget back on track.

As the Federal Government continues to pay for the rising cost of hurricanes Katrina and Rita, Congress must also make necessary sacrifices and follow a strict budget. House Republicans are leading the effort to reduce spending and have recently proposed commonsense reforms to eliminate 98 Federal programs, saving more than \$4.3 billion.

Democrats' opposition to this proposal is, unfortunately, not surprising. Led by the gentlewoman from California (Ms. PELOSI), Democratic leader, they have tried to increase Federal spending by tens of billions of dollars at every stage of the legislative process. Earlier this year, not a single Democratic House Member supported the lean budget that passed the Congress. Democrats seem to view the budget as a credit card, and when the bill gets too high, they pay for the bill by simply raising taxes on the American people.

In conclusion, God bless our troops, and we will never forget September 11.

CUTS IN THE BUDGET AMENDMENT

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, there was a phrase they used to use around here during the Reagan years called "take from the needy and give to the greedy." Well, we are back in session with that same thought going.

These cuts in this budget amendment we just heard about, the gentleman from South Carolina said we were not willing to make the cuts. Let me tell my colleagues just what one of those cuts was so we get a feeling for what they are up to.

There was a rule in many States that if you were from a poor family and you went to a rich family as a foster kid you did not get any money. If you went to a poor family, you would get some money. They went into court, and the court said it did not make any difference what kind of a family you were living in; it was what the child had access to and every child ought to receive

foster child payments in the United States, no matter where they were or what situation they were in.

What the Republicans want to do in this bill is repeal a court decision. They do not like what the courts did. The same thing is true about kinship care. If a child is picked up by a foster home, they get money; but if they are picked up by their grandmother, they are not entitled to it, no matter what the circumstances are. That is the family friendly Republican budget cuts.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. SCHIFF).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

TAXING AND SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, we heard some earlier interesting statements from the Republican side of the aisle, and one gentleman talked about a once-proud party. I guess he was referring to the Republicans and the fact that they used to have a commitment to protecting Federal taxpayers and for fiscal responsibility, but no longer.

Now, they keep talking about the Democrats taxing and spending. Excuse me? Who runs the White House, the United States House of Representatives with an iron hand, and the United States Senate? The Republicans. They are in charge of everything. It is the President who is submitting budgets that are being approved by Republicans that are running up huge and growing deficits.

They are trying to say, oh, this year was great; it was only \$312 billion, only the third largest deficit in history. Except they forget to tell people they borrowed the whole \$180 billion surplus out of Social Security and spent that, too; and, in fact, some of it went to tax cuts for rich people that was paid for

by working people with their Social Security money that is supposed to pay for the future of that program.

They say, well, it is the darn Democrats. No, it is not the darn Democrats. It is the Republicans who control everything who have brought up \$8 trillion of debt, a 60 percent increase in the 5 years George Bush has been in the White House; and, no, it was not all spent on the war in Iraq and homeland security. A lot of it came from huge tax cuts to the wealthiest among us, immensely expensive tax cuts that go predominantly to people who earn over \$311,000 a year; and they want to give permanent exemption of estate tax to estates over \$6 million. They consider \$100 million, \$200 million, that is a small family farm or small business in Republicanland over here.

Unfortunately, those tax cuts are immensely expensive, and they are borrowing the money to finance them and the government.

The entire general fund of government of the United States, everything that government does outside of the military is paid for with borrowed money, \$1.2 billion a day, some of it from Social Security. Yeah, we are borrowing some of it from ourselves. We are borrowing a heck of a lot of it from China, Japan, and other foreign interests; and we are adding this mountain of debt and we are pushing it forward to our kids and our grandkids. In their vision, the wealthy would not share in the burden. They will not help pay that debt because they will be the beneficiary of massive tax cuts.

What they were going to bring to the floor today was so embarrassing they could not quite do it. They were actually going to increase the deficit. Under the guise of paying for Katrina, they were going to cut programs like student loans, \$9 billion; Medicare for seniors; Medicaid for needy people and seniors and other essential programs. But they were actually going to cut those programs to pay for more, guess what, tax cuts for the wealthiest among us.

Are the wealthy really hurting that much? Well, actually no. IRS data that came out last week say that 99 percent of the people in America saw their real incomes decline last year; but 1 percent, those who earned over \$311,000, saw a real increase. But that is not even the real thing.

The real thing was one-tenth of 1 percent, those who earned over \$1.3 million a year, saw a phenomenal increase in their incomes, mostly due to tax cuts that are being paid for by borrowing on the backs of working people and Social Security. They have the gall to come to the floor and say it is the Democrats who want to tax working people.

The only working people they are concerned about are people who earn over \$311,000 a year, the investor class; but the investor class also happens to be the contributor class, the people who can write out those \$2,100 checks

twice a year to their campaign accounts or the even bigger checks to their party accounts or to the Presidential campaigns. That is who they are taking care of.

They are borrowing money from working people. They are bankrupting the country. They are undermining the future of Social Security; and now they want to pull the rug out from under kids who want to get a higher education and from seniors who need a little bit of help with medical care in their old age. They are going to pretend that they are fiscally responsible.

April Fools has come early to Congress if anybody believes that malarkey. It is just extraordinary to me, and the boys keep turning the volume up and keep listening to a little too much Rush Limbaugh over there. We are going to counter them with the facts.

The facts are they have run \$8 trillion of debt, \$27,000 for every American. They are borrowing \$1.2 billion a day to run the government; and now they want to cut essential programs, student loans, Medicare, Medicaid and other programs, to finance more tax cuts for the wealthy, more trickle down.

Our people have been trickled down on long enough, and more than enough. It is time to change the priorities around here, and that is what we are fighting to do.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP of Utah addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. GARRETT of New Jersey. Mr. Speaker, I ask unanimous consent to claim my time at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REGULATION OF GSE'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise tonight to discuss an important issue that could, as we know, come before the House as early as next week, and that is, the regulation of GSEs, specifically Fannie Mae and Freddie Mac, and the impact they have on homeowners or people who want to buy a new home, and a tax that it may place upon them and the risk that places to the mortgage market in this country.

Fannie Mae and Freddie Mac were chartered by Congress with the main purpose of creating a liquid secondary mortgage market in this country and

also providing essential affordable housing for lower-income families. To help them in this effort, the GSEs have a number of benefits, including exemption from State and local taxes and an ability to borrow at a discounted rate due to the implied government backing they have.

Beginning in the early 1990s, Fannie and Freddie held a combined \$12 billion, that is, 5 percent, of the single-family home mortgage market in their portfolio; but over the last 15 years, this number has grown to over \$1.5 trillion, about.

□ 1245

I say "about" because I cannot give you a more specific number, because it has been years, if not longer, since anyone has known precisely what is in their books.

Fannie and Freddie realized that by keeping a portfolio of the larger portion of the mortgages they purchased and by buying back much of the MBS they issued, they could make five times as much spread as they could by simply securitizing the mortgages that they bought and selling the resulting MBS to third parties. However, by keeping a large amount of mortgages and MBS on their portfolio, Fannie and Freddie are greatly increasing their interest rate and prepayment risk, which leaves them very susceptible to interest rate changes.

To hedge against these possible interest rate changes, Fannie and Freddie use various types of derivatives to shift much of the interest rates to derivative counterparties. Hedging of this nature greatly concentrates interest-rate risk in Fannie and Freddie and a handful of large banks and investment firms, and this concentration has created what is known as a systemic risk, which Chairman Greenspan has warned about.

The best way to reduce the systemic risk for the economy is by limiting the amount of mortgages that Fannie and Freddie can hold in their own portfolio.

Now, I commend the chairmen of the committee, the gentleman from Ohio (Chairman OXLEY) and the gentleman from Louisiana (Chairman BAKER), in working to draft legislation to create a new world class regulator to oversee Fannie and Freddie. However, I believe that the House bill does not go far enough.

See, the House bill gives a new regulator the authority to dispose of any new assets or liabilities of the enterprises if the Director determines such action is consistent with safe purposes. Now, while this is a step in the right direction, I believe that stronger language is definitely necessary. I worry that a new regulator, without specific congressional direction to reduce the size of portfolios of the GSEs, will face constant political pressures from the GSEs, thus putting the possible problems that result on the backs of American taxpayers.

Now, some argue that if Fannie and Freddie portfolios are curtailed, they

will not be able to meet their affordable housing goals. But this is not the case.

As the former head of OFHEO noted just last week, "The amount of time and resources that the enterprises must dedicate to managing the risks associated with their portfolios is very substantial, and it dwarfs any marginal benefit to their affordable housing mission. In addition, the recent scandals at both companies illustrate the problems they can get themselves into as they try to manage this volatility associated with very large portfolios."

Limiting the portfolio growth is the number one priority of the administration in addressing GSE reform. Chairman Greenspan, Secretary Snow, Secretary Jackson and others have all spoken out on the need to rein in these large portfolios that exist solely to increase the profits for Fannie and Freddie executives and their shareholders.

In a speech last spring to the Federal Reserve Bank of Atlanta, Chairman Greenspan discussed the GSEs' ability to securitize mortgages and the benefits that it would have on the housing market and the health of the entire economy. He stated, "The method of GSE financing most consistent with our mission is to securitize assets first and to hold in their portfolios only those assets that are very difficult or unduly expensive to securitize." And here is the key part: "Without the needed restrictions on the size of the GSE balance sheets, we put at risk our ability to preserve safe and sound financial markets in the United States, a key ingredient of support for housing."

So in conclusion, Mr. Speaker, legislation that is coming before the House next week dealing with GSE, Fannie and Freddie reform is a good first step, but is not in the current format something that we should support. It will result in a tax on the American taxpayer, it will result in a tax on the American who is trying to buy his first house, and it will add risk to the already risky mortgage market in this country.

The SPEAKER pro tempore (Mr. Kuhl of New York). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

IRAQ AND SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday Saddam Hussein faced a panel of Iraqi judges where he will finally stand trial for the crimes against humanity that were committed under his regime. Saddam Hussein is an evil person. He ordered thousands of his own people to death, and it is time that he is brought to justice for these crimes.

But anyone who suggests that Iraq is more stable or less of a threat to the United States now than it was before the war is fooling themselves. Iraq has never been less stable, and it has never posed a greater threat to the United States than it does today.

The war in Iraq has not combated terrorism as President Bush and his administration have repeatedly claimed. It has actually encouraged terrorism by providing a unified target and rallying point for those angry with our Mideast policies.

Since we invaded Iraq in March of 2003, hundreds of terrorist attacks have killed thousands of innocent people, both American soldiers and Iraqi civilians.

Most people assume that suicide terrorism of the sort that plagues Iraq on a daily basis stems from opposition to democracy in general or hatred of the United States in particular. But Dr. Robert Pape, a University of Chicago professor, reaches a different conclusion based on a comprehensive study on every act of suicide terrorism that has occurred over the last 10 years. Dr. Pape found that the common element linking all suicide attacks around the world is not religion. Rather, suicide terrorism is about pressuring another country to withdraw its military forces from the lands that the terrorists view as their homeland.

This helps to explain the intensity of the Iraqi insurgency. The insurgents resent the continued United States occupation of their land and want control over it.

If the folks in the Bush administration truly want to end the war, they must honestly convince the Iraqi people that the United States has no long-term objectives in Iraq. But to do that would require a sea change, because we currently maintain over 100 military bases in Iraq, with what certainly appears to be intentions to maintain some of them permanently.

Mr. Speaker, we all know that President Bush loves those prime time speeches to our Nation. Maybe it is time for him to eat a little crow and ask the international community to help. He needs to face the fact that the so-called Bush doctrine of preemptive war and unilateral military action just is not working. He should tell the Iraqi people that the United States has no plans to maintain permanent bases in Iraq, nor do we have any designs on controlling Iraqi oil. You could call this speech the "anti-Bush doctrine."

Mr. Speaker, there were plenty of mistakes made in Iraq, mistakes that could easily have been avoided. But now, the best thing for the President to do is cut his losses, admit he made mistakes, and change his course. He needs to seek the cooperation of our allies around the world to help Iraq get back on its feet, because we cannot do it by ourselves in the United States. The President should do that by going back to those countries we have spurned in the past like France and Germany, as well as influential bodies like the United Nations and NATO, and ask them to assist.

A true multilateral coalition could and would enable us to bring thousands of our troops home. To borrow a phrase from the President, as our allies stand up, we will stand down.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RISING COLLEGE COSTS AND REPUBLICAN RAID ON STUDENT AID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, this week new reports from the College Board showed how much harder it is getting for families to pay for college. Since 2001, tuition and fees at a 4-year public college have risen by 46 percent. Today the maximum Pell grant is worth \$900 less when adjusted for inflation than it was in 1975 and 1976. This year, students attending 2 and 4-year public colleges are already \$10 billion short for paying for college, even after grants, work study, savings, and Federal loans are taken into account. As a result, millions of students will be forced to work long hours to take on additional debt from other sources or forgo college altogether.

What has been the Republicans' response? To make American students

and families who are already struggling to pay for college, pay even more.

In July, during the committee consideration of the Higher Education Act, Republicans voted to cut nearly \$9 billion from the student aid programs and raise interest rates and fees on student borrowers. This raid on student aid represents the largest cut to the Federal student aid programs ever, ever. As a result of these cuts, the typical borrower with \$17,500 in loan debt when they graduate will be forced to pay an additional \$5,800 more for his or her college loans. That is \$5,800 additional that they will have to pay over the life of those loans for the college education that they are seeking.

While many of the cuts were on excessive subsidies paid to student lenders, such as the 9.5 percent loan boondoggle, the Republicans only agreed to reduce some of these excessive subsidies to large lending institutions after widespread criticism from Democrats, students, and editorial writers.

But instead of reinvesting these dollars into low-interest loans and additional grants, the majority plans to use nearly \$9 billion in cuts for the alleged deficit reduction, or to pay for their tax cuts to the wealthiest people in this Nation. They are going to take \$9 billion out of the student loan account to pay for the tax cuts to the wealthiest 5 percent of the people in this country. That is their idea of economic justice.

But it gets worse. Next week, the majority plans to cut an additional \$7.5 billion from the Nation's student aid programs, the second largest cuts ever. The first largest cuts were several weeks ago. Now they are back. They are back for \$7.5 billion to take out of student loans to again pay for the \$1 trillion in tax cuts that they gave to the top 5 percent of the people in this country.

To make matters even worse, the Republican leadership has failed to provide real relief for college tuition. In fact, in their higher education bill, they would do nothing to make tuition more affordable for the first 5 years after it is enacted into law. Even after 5 years, the bill only requires colleges and universities with rapidly rising tuition to increase their reporting and disclosures.

Mr. Speaker, the public already knows how much it costs. They struggle with it every spring as they try to figure out how to pay for their children's education. What the Republicans are doing, it is not lowering the cost of tuition, not lowering the rate or the increase in the cost of tuitions; they are adding thousands of dollars, thousands of dollars in additional costs to students and to their families.

This is unacceptable. What the Democrats had was a better idea that we would cut those outlandish subsidies to the lending institutions, to the banks, and to others, and we would take that money and we would recycle it into the student loan programs so

that we could increase the Pell grant by some \$500. We could take care of low and middle-income students who fall short in being able to finance their education. We would lower the cost of that debt to those students. We would make the repayment easier.

But the Republicans did not do that. They chose to take now what is almost \$16 billion when they are done next week out of the student loan program, to raid this student aid and take that and transfer that to the wealthiest people in this country through the tax cuts that they have already enacted.

It is a shameful day, and it is a sad day, when we are being told that it is more important now than ever that students in America complete a college education for the sake of their economic well-being and for the sake of the competitiveness of our economy, and the Republicans have decided to make it more and more expensive for millions of American students and their families. It is a tragic day for these students and their families.

CONGRESS GOES HOME WITHOUT COMPLETING ITS WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the American people might wonder why we have gone home today at 1 o'clock on a Thursday. Are there no problems facing this country? Have we rebuilt the gulf coast? Have we dealt with the problems in Iraq? Have we dealt with everything that is troubling in this society? You have to ask yourself, where did the Congress go? Why did they go home? Why does the Republican leadership declare that no, we are not going to be here, we are not going to be here on Monday. I think this Congress is pretty much having trouble here doing their job.

□ 1300

The reason we are not here on the floor dealing with the issues today is that the issues are tough. And the Republicans do not want to go into Thanksgiving with everybody saying, well, they did it again. They took more from the needy and they gave it to the greedy.

But that is what the debate was about this week. It is about what kind of amendments, what kind of cuts. Amendments is a fancy congressional word for the fact that we are going to cut the budget.

Now, where are those cuts coming from and why can the Republicans not make up their minds what they want to cut? Well, they are looking at the Medicaid program. They want to cut \$10 billion there. They want to just raise it; now, just 1 more billion would not be very much. Just a nick out of some people.

Student loans. You just heard the gentleman from California (Mr.

GEORGE MILLER) give the facts about that issue. You are talking about a \$7 or \$8 billion cut in student loans. You know, those sick people, what can they do for themselves? Right. Take it away from them. What about the students? Take it away from them.

How about agriculture? Now you say, well, rich farmers. No. No. No. Half of the money spent in the agriculture budget is spent on the food stamp program. Buying the surpluses of our farmers and giving them to the poor of this country.

Now, why would we talk about cutting another \$4 or \$5 billion? No, they only want \$1.5 billion. Excuse me. \$1.5 billion out of food stamps. So we are taking away health care and food and ability to go to college, and then they come to the Ways and Means Committee that I sit on. Those are not even mandatory. Those are just things that that Congress said that we would do.

But when you get to the Ways and Means Committee, you come to things that are written in law, and they are called entitlements. If you are an American, you are entitled. It does not make any difference where you live, how much you have; you are entitled. And they are now going to go after those entitlements.

Now, I spoke a little bit before about a couple of them. One of the things they want to do is go after people who have had unemployment payments, unemployment insurance overpayments. They figure that they can get that back out of their taxes. That is at a very time when we have rising unemployment in this country. We are going to try and save \$1 billion going back and squeezing workers that have been out of work for 3 months or 6 months or whatever.

Anybody who is at the bottom of the pile should watch out for these guys, because they are coming after them with a sharp stick. They are going to take it away, and why are they taking it away? I mean, you have got to ask yourself, why would they cut food stamps? Why would they cut health care? Why would they cut school loans? Why would they go after the unemployed? Why would they go after grandparents who are taking care of foster kids? Why would they do that?

Did you know that we had to give tax cuts to the rich? If we do not give tax cuts to the rich, why, the rich will not be rich. Well, they will be less rich, I mean. If we do not finish those tax cuts that are before this Congress, somehow they are not going to get that \$100,000 tax cut if they make more than \$1 million.

Now, think about the tears. Think about the tears up in those apartments and those houses where those people have been expecting that \$100,000 tax cut that they were going to get. Who knows what they are going to do with it. I am sure that they are going to run out and give it to the poor.

But these decisions that are being made in this body are being made by

people who stand out here and beat their chests and talk about how much they care about family values. Is it a family values budget that cuts food and medical care and student aid? I do not think so. And they are going to find out at the next election.

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. HERSETH. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, I rise today in support of the Cheyenne River Sioux Tribe Equitable Compensation Act of 2005.

Over 50 years ago, the Pick-Sloan Act initiated a major flood control and reclamation project along the Missouri River Basin. The construction of dams and reservoirs flooded hundreds of thousands of acres in South Dakota, dramatically altering the basin's landscape and the river's flow.

The American Indian communities in South Dakota were some of the most severely affected by this project. Five of the nine, Lakota, Dakota, and Nakota reservations in South Dakota, border the Missouri River.

The Cheyenne River Sioux Indian Reservation is in north central South Dakota and among the largest reservations in terms of land base. For generations the Lakota bands which comprised the Cheyenne River Sioux tribe camped in the river valley and shaped their way of life to match the contours of the land and the flow of the river.

This was no less true after the Plains Indians were confined to the reservations in the late 19th century. The fertile river bottomlands remained at the center of their society, providing the tribe's best crop land, pastures and wildlife habitat, as well as an important source of timber.

Perhaps even more significantly, the fertile bottomlands remained central to many of the tribe's cultural and spiritual practices. At the outset of the Pick-Sloan Project, the United States Government used its eminent domain power to seize large tracts of the fertile

Indian bottomlands. Payment for these takings was typically haphazard and piecemeal. Time and again, the government failed to fairly compensate both tribal and individual land owners for the loss of their property.

One such landowner is Freddy LeBeau. Freddy was born and raised on the Cheyenne River Sioux Indian Reservation. While serving 4 years in the U.S. Navy in the South Pacific during World War II, he arranged to purchase 200 acres of land along the Missouri River.

In Freddy's own words he explains, "We live in a poor county, and if I can pay taxes on that land and help the county in that small manner, I would be glad to do that. I thought I was an asset there fighting for my country, and I would remain an asset when I came home in a small way and pay taxes on my land."

Following his service, Freddy returned home and for a time he was able to work his land, raise horses and cattle and start a family. The Pick-Sloan Act changed all that.

The Ohio dam and reservoir flooded over 100,000 acres of Cheyenne River Sioux lands, including Freddy's home. He and many other tribal members were forced to move their families to higher ground and begin again. Like many others, he did not receive a fair price for his loss. And at 83 years old, this World War II veteran says, "I am still looking for a place as good as the place that I lost."

Congress has already acknowledged this injustice and only a few years ago passed legislation to provide just compensation by creating the Cheyenne River Sioux Tribal Recovery Trust Fund. While this action was commendable, it left one important group behind, tribal members who lost privately owned land, elders now, who owned deeded land at the time it was taken by the U.S. Army Corps of Engineers. Current law actually prohibits the tribe from using existing funds to compensate these individuals.

The tribe has recognized this shortcoming and has worked to craft a solution that requires no new expenditures, no new expenditures, and guarantees that the affected tribal elders and their families can be justly compensated for lands taken over a generation ago.

The leadership of the Cheyenne River Sioux Tribe, a united South Dakota congressional delegation, and the moving testimony of private landowners like Freddy LeBeau have all contributed to the introduction of the Cheyenne River Sioux Tribe Equitable Compensation Act. This bill would correct a historic wrong and compensate tribal members who have been left behind and treated unjustly for many years.

At 83 years old, Freddy and 33 other tribal elders are still waiting for just compensation. I urge this swift consideration and passage of this bill.

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

(Mr. MARKEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WATSON. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE PROBLEM WITH THE PROPOSED BUDGET CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I stand to oppose the misguided budget amendments that are being presented to us. These amendments will not help a post-Katrina plan, but would only add to the deficit. It would require spending cuts and new tax cuts that would mount up to \$70 billion, cuts that mostly benefit the wealthiest Americans at the expense of the poorest Americans.

If these spending cuts were approved, they would probably do what I would consider to be Draconian cutting. They would cut Medicaid, food stamps, child care support, the earned income tax credit, and supplemental security income.

I have a problem in my City of Los Angeles, and it is a homeless problem. There are over 80,000 homeless individuals that are on our streets, mostly in the evenings. They have problems with alcohol abuse, drug abuse, and mental illness. Over 33 percent of the homeless are mentally ill. And they are homeless. And why?

Because we have cut out the programs that address this population; and not only did we do that, but under the Reagan administration we closed mental health hospitals. Money was to follow the patients into the community, and it never did.

So if we are trying to be fiscally responsible, that means we are being irresponsible to the poorest of Americans. As Americans we cannot allow this to happen. If we are spreading democracy around the world, then we must live up to the principles and the tenets of its provisions. And its provisions say that every American has a right to be a recipient of the social services programs.

Mr. Speaker, we cannot accept the amendments to the budget that are being proposed. They will weaken our homeland, its people, and our security.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to address the House. I can tell you that this week has been quite eventful. As you know, Mr. Speaker, we come every day to the floor to share not only with the Members but the American people what is actually going on in this House, and what is not going on in this House and what should be going on in this House, and it is the House of Representatives.

And there has been a lot going on this week as it relates to the budget. As you know, many Members came to the floor to speak pro and con of this. I will not use the Washington language, but I will use it in a way that everyone can understand: our re-looking at the budget and making more cuts from the budget that have already been made.

And when I have been coming to the floor recently, Mr. Speaker, I have been bringing the local publication, the Washington Post to the floor, just to serve as a third-party validator to the arguments that have been made here on the floor. I am proud that our leadership on this side of the aisle, the Democratic leader, the gentlewoman from California (Ms. PELOSI), has stood against the winds of power in saying that there are certain things that we will not do. We who are Democrats on this side, we will not turn our backs on the American people.

We will not turn our backs on the survivors of hurricanes Katrina or Rita. We will not stand idly by and watch this country continue legislatively to go down the tubes because certain people and certain individuals in power would like to see their priorities and their projects and their special interest breaks or opportunities prevail on the backs of the American people.

□ 1315

I am proud that we have the leadership on this side of the gentleman from Maryland (Mr. HOYER) and the gentleman from New Jersey (Mr. MENENDEZ) and also the gentleman from South Carolina (Mr. CLYBURN) to say no. I am proud of the fact that we have men and women in this Congress that are willing to stand up and say no to the majority. I must add, on the majority side who want to see their goals and objectives carried out on behalf of individuals that have suffered.

Now, I have to commend some of my colleagues here and some of my colleagues even on the other side of the aisle for standing up to the leadership

and saying no, we will not cut Medicaid. We will not cut free and reduced lunch. That did not just come about because folks thought, well, it is okay to stand up. That did not come about within the Republican Conference. But I will tell you how it came about, Mr. Speaker. It came about because Members came to this floor mainly on the Democratic side and said, if you are going to do it we are going to turn the lights up. We are going to raise our voices, and we are going to let our constituents and your constituents especially know that you are allowing this to happen.

Mr. Speaker, this is not a victory lap in any way. I do not want anyone to feel that the tide has changed because as far as I am concerned individuals that are fighting on behalf of billionaires in this Congress to make sure that their tax cut is not touched and that we take away from those that cannot fight for themselves, they are sleeping in shifts. They are sleeping in shifts because they know that that is what they have to do to prevail.

I will tell you on this side, even though we are in the minority, even though we are not in the majority, even though we cannot bring a bill to a committee and expect for it to pass with the majority vote because everything is on partisan lines here as of recently, unfortunately, but I can tell you that even though we cannot agenda some of the things that we would like to agenda that will help this country move to the next level and will put us in the right direction, we are willing to fight with what we have. And what we have is the opportunity to come to this floor to share not only with the Members, let the Members know exactly what they are doing so we are not around here hugging and smiling and cheesing and grinning and scratching where we do not itch, saying "that was a leadership call."

Well, I can tell you right now, Mr. Speaker, as we look at third party validators, I just want to make sure that folks do not believe that this is the Kendrick Meek Report and that I just sit in the office and come up with whatever we want to say. I want folks, I want the Members to go to the WashingtonPost.com editorial page just today. Like I said once before, I do not have to go back and pull publications or pull Time from 2 weeks ago or pull Newsweek from a month ago about something they wrote about and say that was a great story from the Sioux City, Iowa Journal about a month ago and I want to bring it to the attention of the Members. You pick up the paper any day and it is filled with what this Congress is doing to a certain group of Americans.

Now, like I said, there has been a lot of discussion about the budget. It is truly, truly beyond me of all the power and influence of Members of Congress, you have all kinds of leadership on the other side of the aisle that has the opportunity to shine in the aftermath of

Hurricanes Katrina and Rita and some of the biggest natural disasters that have hit this country in recent days. Do they take the opportunity to lean on behalf of those that are suffering right now and displaced? No.

Do they take the opportunity to go in and deal with these Federal agencies who do not even want us to talk to them directly because they feel that they are protected by the White House and why do they have to listen to Congress? We take this opportunity to say that you had the opportunity to perform and you did not. And because you did not perform, we are here as the elected people representing the people of the United States, be it from the affected area or from an area outside of the affected area, your constituents have federalized you to lead.

No. We are not doing that. The majority side is not doing that. No. They are seizing the opportunity to carry out the motives of the special interests. So, Mr. Speaker, when we talk about this issue of a culture of corruption and cronyism, this is a perfect example here in the Washington Post editorial number two, entitled "Katrina's Costs to the Poor."

What it is saying here basically is that the Congress voted earlier this year here on this floor, I must add that I did not vote for it but the majority did on party line, vote a \$35 billion cut in spending for the next 5 years as it relates to the issue of entitlement programs, Medicaid, Title I. All of these programs that help financially challenged Americans that are federally mandated were cut.

Now, we have forces on the other side saying that we will not even get it up to \$50 billion to help the Katrina victims. Well, I can tell you right now that has nothing to do about health. It has everything to do about the priorities that the majority side leadership has picked that they are going to represent. \$70 billion in tax cuts mainly, in this editorial, this is not what I am saying. I am reading verbatim from this editorial, mainly for the most wealthy, the most wealthy Americans in this country. They are fighting on their behalf. They are saying it is okay.

I do not blame the top half. I do not blame the billionaires in America for what the majority is doing on their behalf on the backs of the suffering of the American people. I do not blame those individuals. I blame the people that are saying that they want to save our country money by cutting entitlement programs to the very people who have sent us here to protect them. They do not have, the average American does not have a million dollar lobbyist to walk into the office and represent them. They have a Congressman that they sent or a Congresswoman that they sent to this floor to represent them. And if we fail in that duty, then it is beyond personal responsibility, it lies on the majority.

I want to make it clear that you have to make the decision on if you want to

lead or you want to follow. And I will tell you there are some folks in this House that are winning right now because we are not having a debate. We are just straight out saying that we are going to cut again the very programs that we just finished cutting, that the majority just finished cutting, that are supposed to be helping the very people that we are trying to help. Better yet, we have asked billionaires to do nothing. We have given them tax cut after tax cut. We have men and women with sand in their teeth over in Iraq and Afghanistan and we are asking everyday punch-in and punch-out, retired, on Medicare Americans to suffer and to pay a price and to take a cut. We are not asking the most able Americans to do the same.

Now, I can tell you that this editorial goes on to say, Mr. Speaker, that the individuals that are being protected in this are the high-priced lobbyists and enriched constituencies. What it means by that by saying if you can pay to play in this House, then you are in good shape. You do not have anything to worry about. We have you, or they have you. And so I am glad that we are coming to the floor to be able to let not only the Members know but the American people know that this is an unacceptable practice, that I am glad that we are prepared on this side of the aisle to be able to put forth an amendment when you come to the floor with your budget that is going to not only move Americans forward but decrease the deficit.

This editorial goes on to say, You are saying that you are going to cut the budget and you are going to be fiscally responsible in managing the money of this country, but better yet, it does nothing to reduce the deficit. It increases the deficit.

Mr. Speaker, it is almost laughable if it was not true. And this is not just Democrats or Independents or some study group out there. You have the Washington Post, you have a number of other publications out there that are saying, wait a minute. You are doing this in the light of being fiscally responsible, but you are not. You are increasing the deficit. You are finding your money for your tax cuts for billionaires on the backs of working Americans, and I guess we are just supposed to sit here because it is in the light of trying to help Katrina victims.

Now I have a personal problem with that and I know the American people are going to have a problem with that also. We talk about this issue of a culture of corruption and cronyism, and I think it is important that we have an opportunity to talk about this a little bit more. This whole cronyism and individuals that are not qualified to lead is prevalent here in Washington, D.C., and it is continuing to happen, and I can tell you right now that it is truly unacceptable.

You want to talk about saving money on behalf of the American people? According to the AP, four out of

five companies that won the largest Katrina contracts are being reviewed for possible waste and abuse. Four of the top 10 companies. So what we are doing here is we are saying, hey, listen, it is okay for you to mismanage the taxpayers' money. Not only is it okay, we will reward you again with a no-bid contract.

That is almost like saying, I have a bad contractor working on my house. I have already given him \$200,000 to fix my house. Let me run out and get another loan and see if I give him \$500,000 to see if they can really mess that up.

But the sad part about that is I would be doing it with my own money. But the majority and this administration is doing it with the American people's money, and so it is very disheartening.

Mr. Speaker, I am so glad to see my good colleague from New York. We are not in the race for the World Series Championship this year like we were a couple years ago, being from Miami and New York. But the gentleman from New York (Mr. SERRANO), I am so glad he came down here today to share in this hour with me.

Mr. SERRANO. Mr. Speaker, let me thank the gentleman that he brought this week this issue up again and again. I think it is very courageous on his part and very profound.

Secondly, as far as the World Series goes, it is true that the Yankees and the Marlins are not in it, I also noted that you took our bench coach, our assistant coach, as your new manager so you will do better in the future.

One of the issues that come to mind as I was watching the gentleman, as we know, this is transmitted live on television, I am wondering if the folks who are watching us today were also the same folks perhaps that watched the victims of Hurricane Katrina as that national tragedy hit us. Regardless of whether you felt it was a State or local responsibility or a joint responsibility with the Federal Government or whether you think we as a Nation failed or not, those images are in your head.

Now you see this discussion. What is this discussion about and how do I see it? We all tend to come have the same feeling but we come to the table with perhaps slightly different views. My concern is, as a member of the Committee on Appropriations, is that in the appropriations process we have the ability to declare an emergency. An emergency means just that. That while we try to balance a budget and while we try to have expenditures that meet both the needs and our ability to pay, that there comes every so often a situation that requires us to spend the money and deal with the fact that we are spending that money rather than try to make somebody pay a major price for it.

Of course, my biggest example is the war in Iraq. Now, whether you support the war or you oppose the war; and, incidentally, one of the things that we

always need to clarify is that opposition to the war is not opposition to the men and women fighting the war. In fact, I could argue that you really support them by bringing them home tomorrow and ending the war. But that is a discussion for another time.

What is a discussion today is that the American people need to know that the way we pay for the war is by paying for the war. Whatever amount needs to be spent on the war in Iraq, we spend it. And it has gone close to or above \$300 billion that we have spent.

Now, if I was to be sarcastic up here I would say that basically what we have done is print the money. We have not taken it out of anybody's budget. We have not taken it out of anybody's pain. We basically printed the budget.

Now there is a word in the English language that I try very rarely to use and that is immoral immorality. The reason for that is who the heck am I to determine what is immoral and who is involved in an immoral act, when in fact we are all guilty of a lot of things in the way we behave in this society. But if there is anything that resembles legislative immorality it is the suggestion that for you to get whole again, for you to be helped after Katrina, the way to do this is by taking money away from the programs that in fact affect the very same communities in many ways that are being hurt while slipping in, slipping in permanently this gigantic tax cut for people who did not need it and some of them who publicly said we do not want it.

□ 1330

You recall some very wealthy people in this country saying we do not want that tax cut. We do not need it.

So that what the American people need to understand is that I cannot imagine, nor have we ever heard of one American who watched the videos, the scenes of Katrina, and said, good for them. Everyone was heartbroken and wanted to do something. Our country came together in the aftermath to try to help. But what I think most people do not know is that the majority party is trying to slip in all of a sudden a new legislative morality that says when you pay for certain emergencies, you have to take it out of somewhere.

Now, where do you take it out of? Well, if you take it out of people and places that can afford it, then perhaps that is balanced. But to suggest you are going to take and pay for Katrina relief by cutting out certain amounts of student loans or certain housing programs or what may be left of the Food Stamp Program in this country, which is now down to practically nothing, or to help children in our country, to suggest that you would pay for that by taking out of there is, in my opinion, totally improper. It is not in the best interest of who we are as a country and it does not make us look good.

So we saw many in the last couple of days allow perhaps a momentary slight retreat on bringing that approach to

the House floor. But the importance of the gentleman's comments and his being here today, and the reason why I joined him for a few minutes, is the fact that we have to keep mentioning the issue and the fact that that idea is still out there; that, again, if we cut the taxes of billionaire, that is okay; that if we put forth a war that half the country is still questioning why we are in it to begin with, that is okay to pay the \$300 billion; that it is okay to build schools, hospitals, playgrounds, temples, churches, and any kind of structure for the people of Iraq. But to rebuild New Orleans, we have to take it out of a social program or an educational program. That is what the people need to understand, and I know that is what we are trying to do here today.

Let me repeat that just one last time, not to be repetitious but to simply make the point and to drive it home. In Iraq it is not just a war. The American people need to know that we are rebuilding Iraq. Incidentally, not necessarily rebuilding anything the former government destroyed but maybe we destroyed in the process. So we are putting in new schools, new homes, new temples, new churches, new community centers, an infrastructure, and new transportation systems. We are rebuilding a country. But if you were caught up in Katrina, you are on your own. And if we help you, we are going to take it out of another part of your life or another part of your suffering.

That is wrong. That is where we have to wake up and say who are we, what are we, and I believe that we are much better than that. So I thank the gentleman for his time, and I really hope that we can wake up soon, in the next week or so, and stop this madness from going forth.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman for his comments, and I am glad the gentleman came down to the floor. I think it is very, very important to have as many voices as possible from different parts of the country sharing with not only the Members but the American people what is actually going on right now. Because by the time the American people find out what we do here, it is too late. It has already happened to them and they are saying, how did this happen. Many times they cannot follow the paper trail back to the source.

The gentleman mentioned the war in Iraq. Well, we have to remind ourselves that Republicans are in control of the House, Republicans are in control of the Senate, and the Republicans are in control of the White House, so it is not just the agencies that respond to the White House. They are the Federal agencies that are out there that are appointed by the President of the United States. So it is not our fault that things are going the way that they are going as it relates to dealing with Americans.

And what we are doing in Iraq is at top dollar. I must add that it is not

like building a school in your neighborhood. It is top dollar, because you have to pay those contractors big money. And a lot of that money goes towards these special contracts. Four of the contractors that are carrying out Katrina work in a no-bid contract are under investigation by this government for mishandling taxpayers' dollars. So we are going to reward them for wasteful spending and possibly stealing.

People get all teary-eyed when they come to the floor and they start talking about the troops and how they support the troops; and some say, well, I support the troops more than you. Well, I support the troops. Who does not support the troops? We all support the troops. I want to meet the caucus that does not support the troops. It does not exist. So let us take that away and start looking at the realities of governing and oversight and not rewarding corruption and cronyism.

The gentleman talks about the money that it is costing. It is borrow and spend. The Republican majority is borrowing and spending at the highest interest rate possible. A lot of Americans receive mail, I do, and I open it and there you might find a free credit card. You can just sign right here. And then you read the fine print and you see that after the first 6 weeks it jumps up to a 21 percent interest rate APR. It is not a deal. So we are chest beating and talking about how we have to help these poor Iraqis, but, meanwhile, when it comes down to Americans here on our soil, suddenly we want to become fiscally responsible on the backs of those very same people.

There is a lot of hypocrisy in the democracy within this Congress when it comes down to looking at that. And that is not just because I am saying it, that is what is actually happening, and that is the unfortunate part about this whole argument. If we could wait until the next round of elections and the American people could have their way with some of the individuals that are running to the floor and cutting the very things that are helping their own local communities in the light of being seen as fiscal conservatives, it would be fine. But guess what, there is too much out there for us to wait that long. It has to happen now and we have to fight now.

Mr. SERRANO. If the gentleman will yield for just a moment. In this profession of ours, we like to make predictions and, of course, we like to be right. I will make a prediction now, one that we have discussed before, and I hope I am wrong. I hope I am totally wrong. News flash: Making a prediction; I hope I am wrong.

When this war settles down to something other than it is, because we are going to be there for at least 10 or 12 years, but when it settles to something less or different than what it is now, there will be many of us coming to the House floor putting in legislation to say those folks coming back need spe-

cial medical attention, psychological, physical, all kinds of things. They need special housing and job training. They need all kinds of help. Well, the very people who are now saying we support the troops and are jumping all over the place spending all kinds of money on that ill-conceived war will be the ones saying we are fiscally irresponsible in trying to take care of the troops coming back home.

The best way to take care of the troops is, one, bring them home now, right away; and the second thing is to make sure they are rewarded and cared for for the pain they went through.

We know, sadly enough and unfortunately, that of the close to 2,000 Americans who have died we all know some personally. What we do not know, because this government will not tell us, is what is the total number of thousands of wounded, wounded who will come back, and are here already, with pain that needs to be dealt with. And the wounded in a war, as you know, could be getting shot in the hand to losing your eyesight or losing a leg or an arm. There are serious injuries coming back, but nobody is talking about that.

So I think the gentleman is right to continue to drive this home so that the American people can just get a wider look and then make their own decision, and I thank the gentleman once more so very much.

Mr. MEEK of Florida. Mr. Speaker, once again I want to thank the gentleman for taking the time to come and join us here this afternoon.

Mr. Speaker, I am also joined here by our great local delegate, the gentleman from the District of Columbia (Ms. NORTON), who has been in the Congress quite some time and who has seen quite a bit, so I am so glad she is here and I yield now to her.

Ms. NORTON. Well, I want to thank the gentleman from Florida (Mr. MEEK) very much for taking out this hour and taking the leadership on this vital issue.

Mr. Speaker, I was on my way to a markup. I got there and I thought I saw that there were a few minutes yet, and I said, I have to go down. Because I want my colleague to know that I heard from some of my friends on the other side get up and say words to the effect that our side did not want to see any budget resolution that had any cuts; and that, see, there go the Democrats again, they think you can just spend money. And comments like, even though they see the problem, they do not want any cuts to be made because they say that nobody will be for the budget resolution changes that are coming down now.

So I said to myself, my goodness, what is coming down now? The American people need to know that it is a perversion of what is required, a perversion of what they even say it is, which is an attempt to do the cuts so that there will be money for the Katrina victims. I did not think I could

let them get away with that when three or four of them got up with the same message.

I think the first thing to understand, because we have the credibility to say it, is that the Democrats stand for a balanced budget, including making some cuts at this time given this emergency. We have the credibility to say it because we have proposed a budget that would put us in balance by the year 2012. We have done it. It is balanced. It is there for all to see on our Web site.

This is the moment. It is a magic moment, and the American people should look for this moment. This is the moment when the Congress should reinstate PAYGO. That is the pay-as-you-go notion that in the 1990s brought us to surplus, the surplus that the Republican White House inherited of almost \$250 billion, a surplus as far as the eye could see, and in the snap of a finger it was gone.

We have pressed this Congress ever since the last administration left office to keep PAYGO. They have, in fact, said the only thing we are going to use PAYGO for are for spending other than tax cuts. So, we have had a perversion of PAYGO. We can do as many tax cuts, and they have been overwhelmingly for the most advantaged and wealthy people in our society, and you do not have to pay for those. But if in fact you are trying to help the poorest people in this society, such as those who were exposed for the world to see from the Katrina hurricane, then you better pay for those.

I do not think you could find any substantial number of the American people who would say, I am right there with you, and so we say, let us go with PAYGO right now. You will find that there will be Americans, those who are most concerned with the deficit, those who are most concerned with helping the poor saying, yes, now is the moment and we are for it.

Instead, what we see is amazing and brazen in how the resolution that appears to be coming down would operate. Since tax cuts cannot be touched, we have been told that, still, over and over again, the spending cuts are, in effect, going to take from services of the kind that the Katrina victims need. Do understand that. If you are a Katrina victim, even if you are middle class now, you need Medicaid when you did not need it before, you will need food stamps when you did not need them before.

I saw a woman on television who said, and this is a woman in her fifties, who said the very notion of food stamps and my family asking for them is so laughable that I did not even know how to do it. She had to have her daughter, who had also never been on food stamps, help her to find out how you apply for food stamps. So we are talking about of course the poor, the poor to our shame that we all saw but who somehow we had not seen before, but now we are also talking about hundreds of thousands of the new poor, or

the temporarily poor, and those are the victims of Katrina who simply will not be able to get from one day to the next unless they have access to the services that have only been available to the poor, like Medicaid and like food stamps.

□ 1345

If that is not enough under the topic of perversion, here is another one. This is supposed to be about cutting the deficit. We still leave the deficit at more than \$100 billion. We do not make any real inroads into the deficit, so what are we doing? Do we really think the American people are fooled? I do not think so. I think as technical as this stuff can get, they are beginning to understand it. We see it in the polls.

I must say to the gentleman from Florida (Mr. MEEK), I was here with his mother before him; and in my 15 years in Congress, I have never seen such a gap in the generic poll between Democrats and Republicans. That tells me our message of who believes in balance and who believes in making cuts but doing them in the right way is getting across.

I say to the gentleman from Florida (Mr. MEEK), the Republicans started with \$35 billion in entitlement spending, no tax-cut spending. That was cruel, but that is where they were, and that is what we had to take with all of our protestations. They said, no, that is not enough. After Hurricane Katrina, they said we need more. We need \$50 billion. They say to the American people with a straight face, we need to do this for the Hurricane Katrina victims. These are the very victims who are now having their Medicaid and food stamps cut.

As if there are no offsets on tax cuts, we are looking to the spending cuts paying for tax cuts and new tax cuts, as much as \$70 billion in tax cuts. We have been in the Congress long enough with Republicans in charge to know they believe in the reverse Robin Hood notion, take from the poor and give to the rich, but after Hurricane Katrina, how shameful, on the backs of poor give more in tax cuts.

The gentleman from New York (Mr. SERRANO) was clear when he says he knows where the rich would be. He said he cannot think of the rich in New York who would say this is the way to do it after Hurricane Katrina. We know and we want everybody to know we know where the money is, and it is in mandatory spending. We know there have to be cuts in the entitlement spending, and there have to be cuts where they hurt most, in Medicaid and Medicare. We hate that. But if there is a balanced budget resolution, we are prepared to eat that pain along with the rest of the country. What we are not prepared to do, what we are not prepared to do, after \$35 billion in cuts that have already been on the backs of the poor, to break their backs by, in fact, more cuts to them.

The House has already cut low-income energy assistance, 8 percent.

There was an 8 percent cut below last year's level. Middle-class people in our country are pulling their hair out trying to figure out how to heat their homes this winter, and we are going to cut even further the Low Income Home Energy Assistance Program for the poor. We could shout it from the hilltops because I do not think there are any Americans anywhere that would sanction that.

Every single winter we have left it at level funding; and to cut it this year when we know what has happened to energy, we know what has happened to oil and to gas, and everybody has informed everybody what they have to get ready for. They are telling middle-class people now is the time to shore up your houses, put in storm windows, and do the extras that will save you in your heating bills. Tell that to the poor people. They do not own the premises. They are the renters of this country. They are having a hard time finding enough money to pay the rent. They cannot fix the premises; and if they did, because they are so poor, they could not buy the storm windows. This is so cruel that you will not find Americans in any number who will sanction this if we tell it.

Mr. Speaker, we are going to tell it. We are going to tell it in the rich and the poor neighbors. We do not have the same access to the media the other side has, but just wait until we finish telling America about how you are taking money for Hurricane Katrina victims supposedly, from other poor people to supposedly pay for them when the money will in fact go to pay for tax cuts for wealthy Americans.

Let me give one more example that I think will get to the heart of the problem, and that is the possibility of a 2 percent across-the-board cut that will cut special education funding below the 2005 level, further reducing special education.

There is not a Member here who does not hear his school board, his local officials screaming about special education drinking up the lion's share of the education dollar. As it is now, we are down to covering only about 17.5 percent of special education. That is 17.5 percent out of the storied 40 percent we pledged the States we would cover when we passed the IDEA bill.

Mr. Speaker, who has the nerve to say to States, take from the traditional children if you have to, because the IDEA bill says you have to give to your special education children. So this time I say to my friend, we are not taking from the poor to the rich, we are taking from our traditional children and giving to our most needy children, and that is a trade-off nobody in America wants us to make.

Mr. Speaker, I say to my friend before I return to my markup, the gentleman has done us a service. I do not know how many Americans are watching, but I do say whatever happens here, we do not have the majority. The gentleman from Florida took this hour

so we could make it clear that the other side of the aisle cannot come on the floor and say whatever they want to say, even if what they say are patent untruths, without understanding that lie for lie, you will find us talking to the American people to try to set the record straight.

Mr. Speaker, I thank the gentleman for his leadership.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership. As I said at the top of this hour, we thank the Democratic Caucus of this Congress for standing up on behalf of the American people. When we start talking about issues, these issues we are all talking about, these issues are affecting the American people. It is up to us to be able to share this information. I am glad that the gentlewoman went further into the budget.

Mr. Speaker, we need to balance the budget. We are the only Members of the body that can actually say we balanced the budget and we had a surplus. The majority side cannot make that claim. I was not here, but the gentlewoman was here. They passed the budget that gave us a surplus. The other side cannot even say it because they all voted against it.

Ms. NORTON. Mr. Speaker, I thank the gentleman.

Mr. MEEK of Florida. Mr. Speaker, it is almost like we need to have an opportunity to come to this floor like every 3 hours. There is so much going on here, the Members need to know that we are watching them. The American people need to know and the Members need to know that we have alternatives, and we are going to present those alternatives legislatively in committee, we are going to present those alternatives here on this floor, and we are going to present those alternatives in Special Orders to let it be known that we are not going to sit by and watch this country start to slide, not because of the American people, but because of the majority who are willing to stand on behalf of the most able Americans as it relates to finances on the backs of everyday Americans.

Mr. RYAN of Ohio. Mr. Speaker, there is no doubt about it. I think there are so many issues we need to address as a Congress that are going either unaddressed or the actions of the Congress are hurting the average American people. That is why the Democratic Party is presenting proposals that will take us in a new direction. I think the country needs to go in a new direction. I do not need to go back to Ohio to figure that out. I think it is all over the country. We had a gentleman here last night from Oklahoma. We had a woman here from Florida. We had a man from New Jersey and a man from Ohio. From all over the country people are saying, Democrats, please take us in a new direction, in a direction that will change the country, and those are the kinds of proposals that we are offering.

As we look back as to what has been happening here for the past 5 years, it has been nothing but appointing crony friends to positions that are key in executing the game plan for emergency management, and then the job not getting done, hiding information on the true cost of the Medicare bill so we have a corrupted system here.

The Democrats want some transparency, and we want the opportunity to lead so we can take this country into another direction. I found it very interesting today in *The Washington Post* there was an article about a speech that Colin Powell's chief of staff for 16 years, Colonel Larry Wilkerson, gave. During the course of the speech, he talked a lot about what has been going on. This is one of the third-party validators that we like to have at the 30-something group. We like to validate our thoughts with someone who is independent of us. This is not the Meek Report or the Ryan Report. This is a 16-year chief of staff with Colin Powell, and he is a veteran. He was the director of the Marine Corps War College for quite some time. And what he had to say I found unbelievable.

He talks about him seeing a cabal between the Vice President of the United States, DICK CHENEY, and the Secretary of Defense, Donald Rumsfeld, by cutting out the bureaucracy that had to carry out the decisions: "We have courted disaster in Iraq, in North Korea, in Iran, and generally with regard to domestic crises like Katrina."

If there is a nuclear terrorist attack or major pandemic, "you are going to see the ineptitude of this government in a way that will take you back to the Declaration of Independence."

This is a guy who has been in the Department of State for 16 years. This is a 16-year chief of staff, worked at the State Department, ran the Marine War College. This is a guy who has been around the block. He is saying if we have a terrorist attack of significant magnitude, we are going to see the ineptitude of our government.

What the Democrats are saying with our independent commission that we want to oversee what happened with Hurricane Katrina, we had better figure out what the answers are here. We had better figure out what we did wrong because the next time it may not just be New Orleans, it may not just be the gulf coast and then people are going to come to us and say in 2005, where was the United States Congress? Where were they in their oversight duties? Article I, section 1 of the Constitution, the people of this country govern in the House of Representatives and we have oversight over everything, over every executive function, including FEMA and the Department of Homeland Security.

The concern is when a man of this magnitude who has been around the block as many times as he has been, who has watched up close the misinformation with the war in Iraq, Hurricane Katrina, all this other stuff, says

to us you will not even believe the ineptitude if there is a major nuclear attack in the United States, the ineptitude of the government. Now, our job is we should not have to wait.

□ 1400

And that is why the Democrats want an independent Katrina commission just like we had an independent 9/11 Commission, bipartisan. And the committee that is set up right now might as well be chaired by Mr. Gillespie, the chair of the Republican National Committee, because it is a partisan committee. The Democrats do not have subpoena power, it is 11 to 9 Republican to Democrat. And I just feel that that is an unfair way to go about solving the problems, because it is about CYA, it is not about getting the facts. And that is a real problem.

And meeting our constitutional obligation, we stand here and we raise our hand and we swear to uphold the Constitution so help us God. Part of that responsibility is the oversight that I think we have been derelict of our duty. And the Republican Congress has been derelict of their duty, and that is why the Democrats want to take this in a new direction and change what is going on down here and do that by having an independent commission that will get to the facts, not to the politics.

Mr. MEEK of Florida. Mr. Speaker, my colleague from Ohio could not say it better because that exactly goes to the marrow of this whole issue, of making sure that we engage not only the Members but also the American people. If it was something dealing with total politics, you could say, well, you know, in 2006 it will be dealt with. But there are so many things that are happening to Americans versus for Americans that we need change now.

Mr. RYAN of Ohio. The last part of this article about the Colonel, he says what my colleague just said, what he was just saying: You and I and every other citizen like us is paying the consequence. Whether it was a response to Katrina that was less than adequate certainly, or the situation in Iraq which still goes unexplained, we are paying the consequences.

Mr. MEEK of Florida. Like I said, he is right and we are going to see.

Mr. RYAN of Ohio. You are right.

Mr. MEEK of Florida. I will take some of that, too. Because those of us that are here in the Beltway, and when I say Beltway we are talking about here in Washington, D.C. there is a Beltway that goes around this entire city. Those of us that are drinking the water, breathing the air, and eating the food here understand exactly what is going on, and it is our duty as Americans to make sure that we put light where light is not. And even where you have light, like here under the lights here in this Chamber, that we illuminate it even more as it relates to making sure that every Member knows exactly what he or she is doing or not

doing as it pertains to issues that are going to blanket, blanket and increase cronyism and corruption and going to increase the whole, or going to promote the whole theory of borrow and spend.

Folks, it is interesting, and the thing about being in Congress is that it is important that you understand that we all must tolerate one another. It is not personal, it is just business. And the bottom line is, is that if you want to talk about the business and you want to talk about spending, you want to talk about fiscal responsibility, you cannot just have a backdrop in the back of you at a press conference and say fiscal responsibility, and fiscal responsibility, that makes you a conservative. That does not make you a conservative. What makes you a policy maker and what shows that you have the ability to lead is being able to march down to the White House and tell the President: We are concerned about spending. Why don't you veto a bill for once?

Mr. RYAN of Ohio. Yeah.

Mr. MEEK of Florida. The President of these United States, our President, you want to talk about being a conservative, has not even vetoed one spending bill. As a matter of fact, of the transportation bill that has more fat, pork, everything else, a couple of raccoons in there, he did not even have the nerve to stop that. We have bridges going to nowhere. Meanwhile, we have got folks around here in shelters, and we are asking no one to sacrifice. No. As a matter of fact, the majority side, the Republican side, they are asking poor people to sacrifice. They are asking people that their kids are in Iraq right now and Afghanistan to sacrifice.

Meanwhile, you have billionaires saying: Do not worry, you do not have to say anything. This is what the majority is saying. You do not have to say anything, we will protect you. We will protect you, Republican majority.

So I think it is important that we continue every time that we get the opportunity, need it be out in the hall, in our office talking to our constituents, or on this floor talking to our colleagues, that we know and the American people will know exactly what you are doing to them, and it will not be something where that: I do not know, I did not understand what I was doing on that vote. And, if I would have had that opportunity. Do not come creeping in here under the doorjamb writing something into the CONGRESSIONAL RECORD saying, well, I know I voted for this budget, to cut the budget of a lot of my constituents, but I really feel this way.

Do not do that. We do not want to have to pick up the CONGRESSIONAL RECORD to find that you have a conscience about the vote that someone told you to do, a twist your arm.

The gentleman from Ohio and I talked the other day about violating the spirit of the rules of the House of Representatives. The so-called energy bill that went and passed this floor just

a couple of weeks ago, held this board open, the voting board here in this House open for 90 minutes, 90 minutes on a 15-minute vote. We came up to these mikes and called: Mr. Speaker, point of order. What is going on here? Did we not have a vote? Oh, wait, I am sorry. You mean to tell me you are not winning and the special interests are not winning on allowing them to stick the drill anywhere they want to drill, and you mean to tell me you are not winning because this is not a true energy bill that is going to talk about conservation and independence and go against price gouging? You mean to tell me until you are able to twist enough arms, or I must add, hammer people, okay, to the point where they are going to change their vote based on their thoughts of coming in here and based on the information that they have on this bill that it does nothing, you are going to hold the voting clock open until you have your way.

It is almost saying that we are at a little league football game and I happen to be the guy that bought the jerseys for one team and my cousin happens to be the ref that has the stop clock, I am going to tell him to stop the clock because we are behind by 7 points and I have got to go over and try to twist some arms and try to change the rules so that we can come up by 8 points, and then I want him to start the clock all over again. That is breaking the spirit and that is violating the rules. They are doing things because they can.

But I can tell you one thing, Mr. RYAN. Just like you talked about that decorated veteran that has worked in the State Department and worked with Colin Powell, the American spirit will prevail over politics, and that is what we have to bank on as it relates to this.

So those individuals that have a problem with us coming to the floor and sharing exactly what is going on, this is fact, not fiction, then they have a problem with the spirit of America. They have a problem with the blood, sweat, and tears. They have a problem with folks that are sitting in Walter Reed right now that laid it down on behalf of this country that we would come here and represent them. They are white, they are black, they are Republican, they are Independent, they are Native American, they are Hispanic, they are Americans. And we are charged with the duty of coming to this floor and making sure that they are represented. Even if the majority does not want to represent them, even if we are in the minority, we do not have the option to say we were bigger, they were smaller. They had the majority, we had the minority. Oh, we could not do anything. We are doing everything. As I speak now, we have Democratic members fighting in committee to make sure that they can get amendments on to bills to be able to help Americans. As we speak right now we are preparing to come to the floor to fight the battle with what we have.

What my colleague from Ohio is saying is 110 percent right. That bill that you have there, we have over 40,000 citizen cosponsors on it right now.

Mr. RYAN of Ohio. 40,000? Wow. H.R. 3764, you can come to www.housedemocrats.gov/katrina. We are trying to get a grassroots movement together, and it sounds like we are well on our way. 40,000 citizen cosponsors for this bill to form an independent commission so we can go back and review and actually fix problems. Would that not be novel, for government to go back and actually have an independent commission, remove the politics, and fix the problem? That is what the Democrats want.

And all that you said there, I want to make one final point because we only have a couple minutes left. If you do not believe us and you do not believe our third party validators, Mr. Speaker, let us just use good common sense here. Every single cut that is being made to supposedly pay for Katrina is being cut in a program that does not have lobbyists. Can you believe that? Medicaid, after-school, free and reduced lunch, student loans, no lobby groups down here for those people. So we are going to pick on the little kids, we are going to pick on the people who cannot defend themselves. But meanwhile, the guys who are raising millions and millions of dollars for the Republican majority, we are not going to touch you. We could not possibly ask in this time of great national crisis, three wars, we have a natural disaster and high gas prices, we could not possibly go ask the wealthiest in this country to pay their fair share.

And I say this, and I do not say this lightly. This administration does not have the guts, the guts, to go and ask the wealthiest people in this country to help out. It is easy to cut programs for poor people. It is easy, because you know why? None of those people associate with the poor Americans. They are not sitting on the White House lawn drinking champagne and eating caviar.

But show the proper leadership and ask the hard questions and ask all Americans, including the ones making a billion dollars a year, to pay their fair share. Our Web site is www.housedemocrats.gov/katrina for our citizen cosponsorship, and you can e-mail us at 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. I thank my colleague from Ohio for joining me. Mr. Speaker, I also would like to thank the Democratic leader for allowing us to have this first Democratic hour.

HEALTH CARE AND FISCAL ISSUES

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the leadership allowing me the opportunity to speak this hour and talk about a number of issues. We are going to discuss an important issue of health care. But before we do, I thought it would be appropriate to correct some of the misinformation that we have heard over the past hour. And the misinformation is truly remarkable, and so I have been joined by one of my colleagues here to address a couple issues and I will do the same as well, and then we will get into the discussion about health care. But I am pleased to be joined by my colleague from Tennessee (Mrs. BLACKBURN), who is going to tell the rest of the story.

Mrs. BLACKBURN. I thank the gentleman from Georgia who is doing such an extraordinarily wonderful job, Mr. Speaker, as he represents the positions that our party holds on so many issues that are important to the American people.

I am going to be heading to my district for the weekend, as most Members are, spending some time there, having the opportunity to talk with them. But as the gentleman from Georgia was saying, we wanted the opportunity to just address and maybe do a little bit of correcting on some of the points that our colleagues from across the aisle have been saying and stating. Sometimes I think that they are just sadly misinformed on some of these issues.

They said that Republicans are not looking to cut spending. I just find that extraordinary. They said that Democrats are the ones that are wanting to cut spending. Mr. Speaker, the level of hypocrisy in that statement is absolutely astounding. We have a Democratic Party in this House whose message, and I honestly believe many days is the only message that they have, that message is: Spend more. Whatever it is, spend more. Whatever they are wanting to do, if they do not think the outcome is right, go spend more. And for years they have held this thought that if you just put more money in the pot, then the outcome is going to be what they want. Spend more. Spend more.

And what holds them together? Mr. Speaker, I think that is something that is a curiosity to many people, because they are not united on foreign policy, they are not united on winning in Iraq, they are not united on border control issues, they are not united behind working families who tell us repeatedly that what they want is lower taxes, lighter regulation, preserving individual freedom, and having their shot at hope and opportunity.

Our colleagues across the aisle are not united on that. The one thing that they repeatedly seem to be united on is spending more of the taxpayers' money, spending more of your hard-earned money. And it is amazing to me, government never gets enough of the taxpayer money. Government has this huge, voracious appetite for the

taxpayers' money. They just cannot get enough of it. There is always another program. Many of them are great programs, but one of the truths that we all see here in this body: If government moves in to solve a problem, generally neither the private nor not-for-profit sector will move in and address that problem.

□ 1415

So you have additional costs that come about. Every time we talk about winning in Iraq, our friends across the aisle seem to say let us get out, regardless of the sacrifices that are made. Every time we talk about controlling the border, they are over there saying no way.

Mr. Speaker, yesterday, I was on a CNBC program; and a Democrat Member of the House said that their party had never been invited to offer spending cuts. There are 435 Members of this body, and Mr. Speaker, they are waiting for an invitation to come in and participate in how to reduce the size of government. This morning, I was on the floor and I said please consider this the invitation, come on. Everybody needs to work on this. It should be a bipartisan effort. It should involve every single Member of this House, how we go about reducing what the Federal Government spends.

I have three bills that would enact across-the-board cuts, 1 percent, 2 percent and 5 percent cuts; and for all of their talk today about how they want to cut spending, Mr. Speaker, not one single Democrat is on those bills, not one. We have got 14 Republicans who are on those bills, and not one Democrat has signed on to commit to finding 1, 2 or 5 percent of waste, fraud and abuse in government spending.

Mr. Speaker, I ask my colleagues, who is really leading on this issue? I hear plenty of accusations from the left. I hear plenty of complaining, and I see zero action. A lot of talk, no action. They controlled this body for 40 years; and in that 40 years, they built layer after layer after layer after layer of government. They cooked them a big old government cake, layer upon layer.

We have got programs out there that do nothing but waste our money. We have got 342 different economic development programs. There is a lot of work that we can do. Everyone is invited to come in and work on these issues; and anytime we even try to restrain spending, look at the rhetoric that we hear.

Mr. Speaker, it is our party in this House, it is our leader, the gentleman from Illinois (Speaker HASTERT), who truly is leading on this issue, not the minority leader. It is our leaders who are pushing this. It is our party who would like to reduce government spending by billions of dollars, billions more in next year's budget. It is our party that would like to see across-the-board spending reductions.

Their solution that they offer is repealing tax relief that is well deserved

by hardworking American families, repealing that relief and raising taxes, period. That is the only thing that unites their party.

I hope that they will work with us on reducing the spending of the Federal Government. I thank the gentleman from Georgia for yielding.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman from Tennessee for her leadership and really stalwart stance on the issue of budgetary reform and fiscal responsibility. She is one of the champions here as it relates to that.

I just wanted to mention a few other items that we have had presented by the other side of the aisle over the last hour; and again, I think the misinformation that is being presented is truly astonishing. It does a disservice to the American people. It does a disservice to the debate because if folks are not interested in being honest and open about the debate, then you cannot have a real debate; and when you are dealing with folks really who want to distort things so incredibly, it is phenomenal.

My colleague from Tennessee mentioned that the Democrats were concerned because they had not been invited to participate. Let me tell you what their leadership said when we discussed the possibility of opening up the budget that we agreed to in the spring in order to find savings to cover the costs for the displaced citizens down in the gulf coast after the hurricanes. What the Democrat leadership said, well, you may do that but you will not get a single Democrat vote. Now, there is leadership for you. There is leadership for you.

We also heard from the other side recently, just earlier today, that they looked for third-party validators, some objective body that would say, yes, what you are saying is absolutely correct. As an example of the third-party validator, they brought an editorial from the Washington Post. Folks in my district, if you had a microphone in their living rooms right now, you would hear them guffawing. To consider that the Washington Post editorial is a third-party objective body is just phenomenal, but it is the backdrop for all of the discussion that they have, and that is, to distort and to give a lack of credibility to those things that are truly occurring here in Washington.

I want to point out this chart right here because this is a chart that talks about the percentage of Federal personal income tax paid by different sectors of our society. All the time you hear the other side talking about the wealthy are not paying their fair share and it is all on the backs of the poor and on and on and on. Sometimes the picture is worth a thousand words.

What this chart shows is that the top 1 percent, this column right here is the top 1 percent of our population in terms of income. The top 1 percent of our population in the United States

today pays 34.27 percent of the total taxes, 34.27 percent by the top 1 percent. So you tell me whether you think that is the right amount or the wrong amount. I do not know. All I do know is they are certainly paying their fair share.

The column way over on the other side, way over on the other side is the lower 50 percent of income individuals in this Nation, and the amount that those individuals are contributing to the total revenue is 3.46 percent. You see the difference, the lower 50 percent, that is half, 50 percent, that is half, compared to the top 1 percent, 3.46 percent, 34.27 percent, 10 times as much by the top 1 percent as the lower 50 percent.

As I say, you may say that that is not the right amount, but you certainly cannot say with a straight face that the individuals who are in the top 1 percent are not paying their fair share. That is just nonsense, and really, makes it so that you have to be suspect about every other word that comes out of their mouths, especially when it is talking about budgets.

So I would hope that what they would do is to engage productively, to engage in the process and come with positive solutions and positive discussions and not just a just-say-no attitude, which is what their leadership has told them as it relates to budgetary issues.

Let me shift gears a little bit because I did want to thank, once again, the leadership for allowing me to participate in this hour and wanted to talk about one of the most important aspects and areas of every single citizen's life, and that is the area of health care.

Few things are more important to any individual's life than health care; and certainly, the decisions that an individual makes about health care are some of the most personal ones that one will make. I am joined today by one of the gentleman from Texas (Mr. CONAWAY), my good friends and colleague, who is going to discuss a little bit about individual responsibility as it relates to health care; and then we will talk about some other items as they relate to Medicare and other issues and health care.

Mr. Speaker, I yield to the gentleman from Texas (Mr. CONAWAY) and ask my colleague to talk a little bit about individual responsibility in health care.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) for yielding.

Let me make one comment about your chart. I am a CPA. I have spent 30-plus years assisting clients in dealing with our very complicated, very convoluted Federal income tax code, whether it is individually or corporations or other businesses. Any system that is based on a "fair concept" is flawed because what is fair to one person's view is not necessarily fair to somebody else's point of view. When you base a public policy this broad and expansive and quite frankly invasive

on "fairness," then you set yourself up for a constant argument and constant battle about what is and is not fair.

Clearly, your chart shows a differential between the wealthiest folks in this country and the folks that are on their way up to, hopefully, becoming the wealthiest in this country. Certainly, they have got that opportunity with hard work and applying themselves to that.

So I would just like to point out that maybe we need a different system. Maybe sometime next year let us have this conversation about a different way to collect the minimum amount of money needed to fund this Federal Government, and we will have that conversation.

I would like to comment, though, on health care and individual responsibility.

I think it is universally recognized, and that is a hard thing to state with a straight face, but I think it is universally recognized that Americans enjoy the finest health care delivery system in the world. You yourself have been an integral part of that as an orthopedic surgeon, and your wife, I believe, is an anesthesiologist, members of the delivery system that this country enjoys.

We have got a flawed payment system, and I am not sure how we got to this point and place, but we are here. We have got a system that if you ran your car insurance program the same way we run health insurance, then each time you needed to change the oil in your car or new tires, you would file an insurance claim. That is not how we work our cars. We figure out a way to operate our automobiles out of our normal monthly budget. We budget for that and take care of those incidentals. We do have car insurance for the catastrophes, for wrecks, for destruction and theft, those kinds of things, those catastrophic deals.

Our health care system is flawed in that, quite frankly, I get the services, you provide me the services, and someone else pays for those services. In that scheme, I am not as concerned about the cost of those services as I ought to be because I am not writing a check to help out with that. So I have no incentives, so to speak, to ask you are there alternatives to what you have proposed, is there another way to do this or cheaper way. Can we do it at some other hospital that can be a little less expensive than the one you typically practice at, because I am writing those checks.

Getting personal responsibility back into the health care system, getting a system in which I have a viable interest in asking that question. We may ask that question on every other single thing that we do, how much is that going to cost. We may not ask it out loud, but we make a cost-benefit analysis each time in our head each time we make a purchase on something such as how do I want to pay for that. We do not do that in medicine, and it needs to be communicated to all of us that that is okay to do in medicine.

There are some things in medicine you do not ask: emergency or catastrophic kinds of things. You go get that thing. There is an awful lot of medicine that I think is subject to a circumstance where we can ask what that costs, and I think just doing that would begin to drive down those costs.

As the example, I went for an annual checkup a year or so ago and had an issue. The physician said, well, I can prescribe a course of antibiotics that is about \$300 a month and 3 months from now that condition will clear up. I have got a prescription drug card so it was going to cost me \$15 or whatever. I said \$900? He said, yeah. I said, well, what happens if I do not do that? He said in about 3 months it will clear up.

I made a cost-benefit analysis and decided that I would forgo the antibiotic treatment and go with the professional judgment. It was my decision. I need to stand behind that decision, and if 3 months later my condition had gotten worse and I had other problems that may have been fixed if I had taken a different tack, I cannot go back on the doctor or should not and sue the doctor or the pharmacy or whatever, sue anybody that is still breathing because of a decision that I made.

Personal responsibility is not only taking responsibility for paying for health care but also reclaiming your health care decisions because those are yours. You are responsible for that, and you yourself know there will be the occasional bad outcome to any procedure, to any field, and that is just nature. Doctors are not perfect or hospitals. None of us are. Those legitimate just bad outcomes is just the system, and we ought to take personal responsibility for that.

I had several doctor clients, and to a person, if they did something wrong, if they created an issue or made something that aggravated something with a patient, they were going to fix it, period, no matter what it was.

□ 1430

But in many instances, they used their absolute best professional judgment to treat a patient and they just got a bad outcome. That is life. So this personal responsibility issue that I am talking about is decisions for what health care you do get or you do not get, and the costs.

I think the health savings accounts that we have instituted in certain instances will help us do that, so that putting away money in a health savings account; if you have a normal monthly kind of an expense come up, I have to decide do I take that money out of my health savings account that is growing, or do I figure out a way to do it out of this month's budget or my normal operating budget. So bringing that personal discipline back to the table in the arena of health care is not the absolute overall magic bullet, but it is a piece of the fix that is health care costs.

I appreciate this opportunity to share this hour with the gentleman,

and I look forward to hearing the remainder of the gentleman's comments from a learned colleague in an arena that is obviously of vital importance to all of Americans.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the gentleman's comments, because they are just so appropriate, and I think it is a shame, but they are visionary, that it ought to be the system that we currently have in terms of personal responsibility and an opportunity to select the kind of health care that we have. But, sadly, that is not the case. We will talk a little bit about that and how we got to where we are today in our health care system.

But let me mention, once again, why I think it is so incredibly important that we discuss health care. It is a significant portion of the Federal budget but, more importantly, it is without a doubt the area where the most personal decisions are made. And as we talk about health care, I think it is important that we always try to remember who is making those decisions, or who should be making those decisions may be a better question. Who should be making those personal decisions as they relate to health care?

My passion for this is, as the gentleman from Texas (Mr. CONAWAY) mentioned, I am a physician, I am a third generation physician. My grandfather and father were physicians as well. My grandfather graduated from medical school in 1908, so he saw a transformation in the field of medicine that was absolutely incredible. He practiced for over 30 years nearly without any antibiotics at all. When you think about that as being a different kind of world, it really was a different kind of world, a different kind of health care. He practiced medicine until he was 94 years old. So I remember well when I was a young boy, some of my first memories are of visiting my grandfather and going on what were rounds with him, and rounds at that time meant house calls. Some people remember those, but we would get in his car or walk through the neighborhood and visit patients. And one of the things that I remember so well is the love that was poured out when he would come to a house, because it was a very personal relationship, the relationship that the patients had with their physician, then my grandfather.

My father was a physician as well and came and practiced during the 1960s and the 1970s, and it was a different time then also. It was a time of great transformation for health care, in a direction that has kind of led us to where we are right now. He initially practiced internal medicine and then moved into becoming one of the first professional physician groups of emergency care. He worked in an emergency room in a hospital, and that was part of the transformation that medicine was going through, to try to answer some of the real challenges of caring for people with new technology and a

new society that was having challenges in the way that people were accessing health care. Many suffered from trauma, which had not been the case in the past, primarily related to the automobile and the kind of traffic that began sprouting up in so many urban areas across our Nation.

In the 1960s, we saw the changes that came about with the institution of Medicaid and Medicare. And when we talk about health care in the United States, it is impossible to talk about health care without talking about Medicare, because Medicare has truly transformed, for better or worse, the whole method of how we deliver health care in our Nation. The vast majority of private insurance products today as they relate to health care are tied in some way to Medicare. Most folks do not talk about that, many do not know that, but it is why the discussion about Medicare is so incredibly important.

There are a couple charts that I have here that I would like to share with the body that kind of bring some of that into perspective. This first one comes from the Center for Health Transformation, and that is an organization that has come about in the past couple of years. It is headed by some wonderful people. Speaker Gingrich is leading this charge. He recognizes that the aspects of health and health care and the costs of health care to our Nation must be transformed in the way that they are being delivered right now. And this information comes and demonstrates the national health care expenditures as a percent of gross domestic product.

So how much are we in this Nation spending on health care as it relates to the entire domestic product that we have? How much money do we have and how much are we spending on health care?

In 1965, that amount was about 6 percent. In 1965, that amount about was about 6 percent. It happens that 1965 was the year that Medicare began. And there are a variety of reasons for why we see the curve go up the way it does, but suffice it to say that we have significantly increased the amount of our domestic product that we are spending on health care, now to about 13 percent, and the projections are that in the relatively near future, we will be at 17 percent. Some of that is, I would suggest to the Members of the House and folks who are watching, some of that is as a result of governmental involvement, and we will talk about that some. Some of that is a result of technology, no doubt about it. But the trend is disturbing. The trend is disturbing, because we cannot go too much further, and we may be at that point now, where we are not able to provide for other priorities that the Nation has. So we have gone from about 6 to 13 percent as a percent of gross domestic product.

Now, it is also important to look at who is paying. I often talk about the golden rule. Most folks know the golden rule. There are a couple golden

rules. The finest one is the golden rule that says do unto others as you would have them do unto you, but in Washington the golden rule is he who has the gold makes the rules. And this chart demonstrates clearly one of the challenges that we have as it relates to health care.

This chart shows the percentage of health care expenditures that are privately paid or paid for by the government. And one of the dirty little secrets that is not really a secret is that whenever the government pays for anything, whenever Washington pays for anything, there are all sorts of rules and regulations and requirements that are in place that go along with that. Sometimes they are good and sometimes they are not, but they have to be complied with. Otherwise, you do not get the money.

Now, in 1965, remember that other chart that we had, which showed the amount of money that we were spending on health care. This chart shows in 1965 that government paid for about 25 percent of all of health care expenditures in our Nation. And the private sector, individuals and the private insurance, paid for about 75 percent. So about 3-to-1 private sector to government.

Over a relatively short period of time, we are seeing a significant change in who is paying for what. Right now we are in a situation where the government is paying for about 45 percent, and it continues to tick up, of health care expenditures, and the private sector or the private market is paying for about 55 percent. That is important not just because this side is oftentimes on the backs of hard-working Americans, but it is important because remember that golden rule, he who has the gold makes the rules.

Washington, when they are paying for health care, make rules that may and oftentimes may not be to the benefit of the system. When I say "the system," I do not mean the folks providing the care; I mean the folks receiving the care. This system is set up not to serve patients, and that is the problem. This type of graph demonstrates that those individuals who are most, remember, the most personal decisions that we make are health care decisions, and this system is set up to not be one that is the most helpful to patients.

My colleagues may say, well, can you give an example of that? Well, there are all sorts of examples of that, but what I would like to talk about briefly is an example that clearly points out why Washington is not the place to make these decisions. We are about to begin a new part of the Medicare program on January 1 of 2006, it is part D Medicare program which will start January 1, and that program is a program that for the first time since 1965 when the program was instituted, for the first time will cover prescription drugs, will cover medicines.

Now, one thinks of a health care system that has incredible ramifications

for the entire health care system of our Nation, and it has been in place for 40 years, and it has not covered a single medicine, not one antibiotic, not one drug for diabetes, not one drug for hypertension or high blood pressure, not one drug for cancer; it has not covered any of them. That is the way that Washington works; that is, slowly and with a lack of perspective on who is being affected by the decisions.

Remember, patients are the ones that are affected by the decisions that we make here in Washington as it relates to health care all across the spectrum. And we have a system in place that is not changing; that is, the structure of the bureaucracy in the government, that is not nimble, it is not nimble like the private sector. So we have a Medicare program that for 40 years has not covered a single drug.

Now, thank goodness we are moving in that direction. There are some challenges I think we have in that program. But we have a system of government in Washington that cannot respond to the remarkable changes that we have had in the area of progress in science and technology. The private sector is so much more adaptable, so much more flexible, so much more nimble. So when patients need improvements, they ought to be able to look to the private sector for those improvements, because they come about so much more rapidly. But the sad story is, they have to look to Washington.

So I think what we need is a transformation of our health care system so that patients can make those kinds of decisions.

The health care model that we have right now really harms people, because it is not responsive to the needs of patients. It is responsive to a bottom line. It is responsive to a bottom line. In fact, the individuals way back in 1965 who wrote Medicare, the Medicare law, in this body knew that. They knew that Washington could not be responsive. They knew that it ought not be in charge of health care. And how do I know that? I know that because what they wrote in the law at that time, and this is a quote from the changes to the Social Security Act which put in place the Medicare program: "Nothing in this title shall be construed to authorize any Federal officer or employee to exercise any, any supervision or control over the practice of medicine or the manner in which medical services are provided."

Did you hear that? Nothing shall be construed to authorize anybody in the Federal Government to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided.

Well, I say to my colleagues, I will tell you, and you know this, that all sorts of things that Medicare does and all sorts of things that we do specifically, specifically, either supervise or control the practice of medicine or the manner in which medical services are

provided. We violate this law all the time, all the time. And why do we do it? We do it because we are not patient-sensitive or quality-sensitive as it relates to health care. Washington, by its very nature and by its very being is bottom line sensitive, it is bottom line sensitive.

So we have a model that is in place that cannot, I would suggest cannot provide the kind of services that are needed for the patients.

Think of the contrast. If you think about the ways that our society has changed over just the past 20 or 30 years, the way that we do so many everyday things, and if you compare that to how health care is provided now and how it has changed or not changed, then you have a very clear idea I think about the challenges that we have in the area of health care.

Some common, everyday things: buying gasoline at the gas station. Now, regardless of what it costs, the way that we used to purchase gasoline is that you would pull up at the pump and you would roll down your window and somebody would come out, and they would say, would you like us to fill it up? And then they would go ahead and put the amount of gasoline that you wanted in your car, and you would pull out a dollar or two or more and you would pay for that gasoline. Now, how do we put gas in our car? We pull up to a pump, we never see anybody, we take our credit card out of our pocket or purses and we put it in the pump, we select the gasoline, we pump the gasoline, and many of us, I am told almost half of us, do not even ask for a receipt any more because we trust the system.

□ 1445

Because we trust the system. It is easy. It is more efficient. It is a system that has changed drastically over the past 20 or 30 years. And if you compare that to health care, that is stuck in a paper society that is no longer existent in so many aspects of our society.

The same is true of travel right now. If you want to purchase an airline ticket, an increasing number, in terms of percentage of folks, are now going online. They can go to their home computer 24 hours a day, 7 days a week. They pull up the site of the airline that they want to utilize, or they can go to something like Travelocity and it will pick the different airlines for you.

You plunk in the starting city where you are going to leave from; you plunk in the designation city. It will send back to you, in a matter of seconds, seconds, what kind of flights there are, how much it costs, whether there is a seat, and then you can purchase your ticket right there.

And you can, within 24 hours of your travel date, you can sit at your home computer or at your office and print out your boarding pass. The efficiency of that, if you think about it, is mind-boggling. It is incredible.

You as an individual are interacting with the entity that can provide a serv-

ice that allows you to do what it is you want to do in terms of travel.

Now, why is it that in health care we do not have any of those things? We do not have any of those things. Think about what happens when you go to your doctor. What happens is that you walk in the door, and what are you met with?

You are met with a pile of paper. You are met with a pile of paper. And you read through that paper, or most folks go right to the back end of that paper, and you sign. And you wait and you get into the clinic room or the exam room, and your doctor comes in, and he or she has what in their hand? A chart. A paper chart.

That may have the last notes from your office visit. It may not. It is a system that is antiquated. It is a system that is inefficient. It is a system that is unresponsive to the needs of patients in a way that the rest of our society has transformed completely.

So health care is stuck in the past. It is stuck in the past century. It will take a significant length of time to just catch up to where we are, not get into the 21st century, but to catch up to where we are.

Now, how do we progress from here? What do we need to do to move forward and transform health care? I want to talk about some principles, and I want to talk about a resolution that I have introduced, H. Res 215. It is kind of a 30,000-foot view of health care.

What it says is that we ought to move as a matter of national policy from a system as it relates to health care of defined benefits to a system of defined contribution. Now, what does that mean?

Right now most individuals get their insurance through their employer, or their previous employer, or through the government, though Medicare or through Medicaid. And all of those systems, by and large, have what is called a defined benefit plan.

That means that somebody, in the case of Medicare and Medicaid, some government employee, bureaucrat, has gone through and decided what ought to be included in that insurance plan, in that package, and what you can be treated for and where you are treated and by whom you are treated and how are you treated, often times.

What diseases are covered, what diseases are not covered. Somebody else has decided all of those. That is a defined benefit. There is a defined package of benefits that are provided to the patient. This is true for individuals receiving their health care through Medicare and Medicaid. It is also true for most employer-provided health insurance.

Someone else, the human resources officer or someone in the company is deciding what ought to be covered in terms of health care. And what that does is remove the patient from that decision-making process. It also sets up a system whereby the patient, if the patient is frustrated, oftentimes that is the case.

I heard a statistic the other day that I found fascinating. Four percent of the public is accessing the health care system at any point in time. Four percent of the population is accessing the health care system, having some interaction with the health care system.

Half of those folks are frustrated in some way. So you say, well, why has the system not changed? Well, if only 2 percent of the population is mad at any point in time, it is a small amount. It is a small amount.

But what that defined benefit system has in place is a system where patients cannot be the ones who are affecting insurance plans easily. Because, you know, my colleagues know and patients around the Nation know that when they dial up the insurance company and say, hey, this plan is not working for me, I cannot get this disease treated, or I cannot go to the doctor that I want to go to, or I cannot get the medicine that I want, the insurance company says, well, you will have to talk to your boss. Right? Talk to your human resources officer. Or if you are a Medicare patient, you cannot even get through on the phone most of the time. But what happens is that the patient is removed from that decision-making process.

Now, that is not right. These are the most personal decisions that people make in their lives, the most personal decisions; and they are removed from that process. So moving from a defined benefit system to a defined contribution system says that whoever is paying the cost for the health insurance, whether it is the Federal Government through the Medicare program or the State government through Medicaid, or the employer through employer-provided health insurance, or the individuals, regardless of who is paying for the insurance policy, the patient owns the policy.

The patient owns the policy. And that is a sea change, because what that means then is that patients can vote with their feet. If they do not like what one insurance company is doing because they own the policy, they can change to another insurance company. And if they do not like what that company is doing, they can change to another. It also makes it easy so that when the patient gets on the phone with the insurance company, the insurance company has to be responsive to the patient. Why? Because the patient has power. The patient has control and ownership of the insurance policy. It changes the whole dynamic for health care.

It will not change anything overnight; but over a period of time, what it will do, if we are bold enough to transform health care in this way, it will allow patients to have the power over the kind of insurance policy that they have.

Now, this Center for Health Transformation is really doing some incredible, incredible work. And what they have done, I think in a very succinct

and appropriate way, is to identify kind of the principles of our current system of health care, and compare them to what a 21st-century health care system would be.

And I would like to just touch on a few of these. The current system is provider-centered, or I would say more correctly, it is insurance- or government-centered. Remember that the patient is outside of the control process, outside of the power process for this. The system is price-driven.

What that means is that it is more interested in the bottom line than it is interested in quality, or, said another way, it is more interested in money than it is in patients. And that ought not be a system that we tolerate. That ought not be a system that we tolerate.

Medicare is a classic example. Remember, I mentioned that Medicare is important to talk about as it relates to health care, because so much of our entire health care system, even in the private sector, is driven by the decisions that are made in Medicare. Medicare has a system that they compensate or pay physicians and other providers with. It is called an RBRVS, or a Resource Based Relative Value Scale, RBRVS. And what that means is that Washington, the Federal Government, decides how much money it is going to spend on health care for seniors.

It decides what that pot of money is going to be. And it may or may not bear any resemblance to the amount of health care that needs to be provided, so that when patients go to their doctor, they may or may not be able to get at what they need because the decision-making is all based on cost; it is not based on need. It is not based on quality of care. It is based on how much money we have.

That is a model that is fraught with problems and, frankly, fraught with extreme difficulties for patients. So a price-driven system just does not work. It ought to be something completely different. That has been defined by the Center For Health Transformation as values-driven. We will talk about that in just a minute.

The current system is knowledge-disconnected. There is not a good way to get knowledge between those folks providing the care, slow diffusion of innovation. It takes years, literally, for a new drug that is out to come on the market, to get to the market. It takes an average of 5 to 7 years, 5 to 7 years from the time when a new procedure or a new type of treatment for a specific disease is described in the literature, in the medical literature, to get to be used in the clinic or exam room or in the operating room. Five to 7 years.

That means that the kind of health care that we are receiving right now the individual who described the new innovation did so 5 to 7 years ago. That is not a system that is responsive to patients. It is a system again that is not patient-oriented. The current system is dysfocused, instead of being focused on prevention and on health.

The current system as we talked about is paper-based instead of utilizing the technology that is available today. The current system is a third-party controlled market, and that is a fancy way to say that the patient is out of the loop.

Remember, the Federal Government or the State government or the employer, by and large, is making decisions about what kind of health care is being provided, not the patient. The process is focused on government. As I mentioned, it is the government that is making these decisions has limited choices.

You know this, Members of the House and all of our citizens know this, that often times if you get sick, what is the first thing you do if you have not been to a doctor in a while? Well, you do not do what you ought to do, what you ought to be able to do, and that is find the highest quality physician you can.

You open up your book and see who you can see. Someone else is making that decision about who you can see. That is not a system that provides the greatest amount of choices appropriately for patients.

The current system is a predatory trial lawyer litigation system. The lawsuit system, the lottery system of the courts that we have as it relates to health care right now is driving up the cost of medicine. It is making it so that folks are receiving all sorts of tests and the like that they frankly do not need.

And the problem with this is not the malpractice insurance costs that doctors are having to pay, although that is a minor portion. The bigger problem is what is called defensive medicine. That means that your doctor, when you go see your doctor, he or she often times is ordering a test or doing a procedure or something in order to make it so that they are less likely to be sued and cover themselves, not necessarily because you need them. And you say, well, that is crazy.

But it happens all of the time. I am an orthopedic surgeon. When someone comes into my office with back pain, almost regardless of their complaint, if I have not seen them before, every one of them gets an x-ray. Now, they get an x-ray because if I did not do an x-ray and they went out of the office, and they went to another physician and that individual took an x-ray and on that x-ray was found to be something astronomically wrong, then I could have been sued for not picking that up at that very first office visit.

You say that is probably the right thing to do. Well, 90 percent, 90 percent of individuals with back pain, standard back pain, will get well within a period of 3 weeks. They did not need an x-ray. But everybody gets one. Everybody gets one. So you make it so that that 3 weeks is not lost for the minimal percentage of individuals who have a significant problem.

□ 1500

The legal system is just phenomenal as it relates to health care, and it drives this practice of defensive medicine to an incredible degree.

Overall cost increases. We have not seen the kind of savings in health care we ought to see. You remember the graph that showed the increase in percent of GDP that we are spending on health care? It was 6 percent in 1965. Now it is 13 percent, soon to go to 17 percent. We have not seen any of the savings in health care that we have seen throughout all other sectors of our society.

What is a 21st-century system? It is centered on the patient. It is values-driven, knowledge-intensive. It allows for a free flow of information between physicians and other providers. It is prevention- and health-focused. Electronically based. It gets away from that paper system that frankly results in more errors and more problems because it is a paper system.

The Center for Health Transformation calls it a binary mediated market. What does that mean? It means that the patient is in charge, the patient and the provider are the ones making decisions.

Outcomes focused on government. Increased choice. That is exactly what needs to happen. The patient needs to be in charge. And a new system of health justice. All of these things would result in a significant decrease in the cost of the health care and making it so that the quality of care and quality of life is increased all across the Nation for all, frankly, because of a transformation in our health care system.

So what we need is a new vision for health care, one that has more choices, more control by patients resulting in higher quality and lower costs. And I look forward to working with so many of my colleagues in the House on both sides of the aisle who are interested in positive solutions, productive solutions, making it so that those personal decisions as they relate to health care are able to be made by patients and individuals.

Mr. Speaker, I am honored to be joined now by one of my colleagues, the gentleman from Nebraska (Mr. FORTENBERRY). We thank the gentleman so much for coming, and I look forward to the gentleman's comments as they relate to health care.

Mr. FORTENBERRY. Mr. Speaker, I thank the gentleman for the opportunity to be here and participate in this important discussion of health care in our country. I thank the gentleman so much for his leadership today in coordinating this important discussion.

Mr. Speaker, I believe we have an important opportunity today to both save lives and save money. Health care is a pervasive part of American society. As we have heard, a major portion of our Federal budget is devoted to health

care costs, and total health care expenditures are a significant portion of our gross domestic product.

The good news is people are living longer with better technology and better drugs. That is excellent news. America has one of the best health care systems in the world. Yet everyone knows, because everyone is affected, that rising health care costs are a growing challenge to families, to businesses, and to the government. We need to look at this system, and I believe that simple new approaches can make a huge difference, as the gentleman has pointed out.

It is estimated that improvements in health information technology, quality patient management and wellness programs themselves promise to save up to 20 to 40 percent of costs. Personal ownership of health care decisions may minimize the wasteful overutilization of services. Incentives to medical providers, as well, to better target expensive and excessive testing are all areas that we need to aggressively explore in order to appropriately use our public and private health dollars.

Mr. Speaker, today I wish to focus on one aspect of how the rising cost of health insurance prevents entrepreneurial individuals from pursuing good opportunities. I think we must take the opportunity to think creatively, to update outdated approaches, and put consumers and families in charge. I have a keen interest in reducing barriers for small entrepreneurs. The vast majority of new jobs in our country are created by small business. This is where most people are working hard to get a little ahead in life and secure their own long-term economic well-being.

I have seen how the lack of available health insurance and rising health care costs decreases productivity and distorts social and economic decisions. For instance, in my district it is not unusual for a spouse in a farm family to drive very long distances to have a job simply for health care coverage. The rising cost of providing health care coverage for employees is a growing obstacle for small business owners or those who may wish to join their ranks.

It is not surprising that only 63 percent of smaller companies can afford to offer health care insurance. This is a primary reason why three out of five uninsured persons in our Nation are small business owners, their employees or their families.

Recently, the Committee on Small Business held a field hearing in my district. It was an extraordinary turnout. One of the reasons was because it was on the issue of small business and health care costs. During this forum, we examined the increasing cost of health insurance and possible solutions. The hearing emphasized one important aspect, the underutilized tool for small businesses known as health savings accounts, which were established as a part of Medicare prescription drug law.

These tax preferred accounts, coupled with high-deductible health insurance, help alleviate the ever-increasing cost of traditional health insurance premiums and empower families to take better control over their own health care dollars.

While the number of individuals using these accounts is increasing, I believe we need to do more to give small business owners and entrepreneurs the ability to take advantage of this very important policy innovation. In fact, of the new policies, 37 percent were taken out by individuals who were previously uninsured, and 27 percent were taken out by employers who previously did not offer health care insurance to their employees.

Now, one concern regarding health savings accounts is the initial funding. I have introduced legislation that will allow individuals to roll over portions of their retirement accounts into health savings accounts. This rollover would not subject the retirement account to the usual 10 percent penalty for early distribution. Moreover, all individuals with retirement accounts would be eligible to take advantage of this opportunity.

I believe this will help meet important public policy objectives of increasing access to health care coverage and overcoming a major barrier that small businesses face.

HSAs, as they are known, are just one of the many simple new approaches that can make a huge difference in our health care system by providing positive incentives for those who use the system.

Again, I would like to thank the gentleman from Georgia (Mr. PRICE) for undertaking this important discussion about health care and health care costs in our country; and I look forward to continuing our dialogue about innovative approaches to both save lives and save money.

Mr. PRICE of Georgia. I thank my good friend from Nebraska for joining us today. I want to thank him for pointing out health savings accounts and also the incredible importance of this discussion to small business.

When I go back to the district and I visit businesses all across the district, one of the things that they say, Whatever you do up there in Washington, please, please, make it so that we can afford to provide health insurance for our employees.

So many of the things that we are doing right now as it relates to the model in which we are delivering health care make it more difficult for them to be able to provide that. So I thank the gentleman for his perspective and for joining us today.

Mr. Speaker, I want to take a very, very short period of time and just close by saying that the model that we currently deliver health care under in this Nation is one that is not patient friendly; it is not efficient; and it does not spend anybody's money, be it tax money or personal money, wisely.

We need a new model, a new model for health care. A transformation of our health care system is what is needed: more choices, more control by patients, higher quality and lower costs. What that does is make it so that we would have better care, more patients in power, and more responsibility and opportunity for patients to receive the kind of care that they so richly deserve.

Again, I would like to say that I look forward to working with Members on both sides of the aisle who want to work positively and productively to bring about a system of health care in our Nation that allows patients, that allows patients to be the ones making decisions that give the highest quality of health care that they need and that they deserve.

WORKING-CLASS FAMILIES BETRAYED

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to talk about the betrayal of working-class families and the people on the bottom who need the safety net most. In this year of disaster, in this time of disaster, the people who need the help the most and who are the weakest in our society have been betrayed by the leadership.

Involved in this matter is the recent set of decisions made by the President to suspend Davis-Bacon in Louisiana where on the gulf coast we have a tremendous amount of construction work going on, opportunities for jobs to be created for those people who have been thrown out of work and have no income, no homes, no reasonable future. It is an opportunity for them to be employed. And yet interference by the White House has cut the wages there by suspending Davis-Bacon. And I will explain more about Davis-Bacon in a few minutes.

They have also suspended any Federal regulations on affirmative action. And that, of course, will hit hard because evacuees, the people who had to leave New Orleans and who are expecting to come back, 60 percent of them were African Americans; and their opportunities to get those jobs that are going to be created in the process of rebuilding the reconstruction are lessened by the fact that the contractors are not required to follow Federal regulations and affirmative action.

Those are just two of the things I would like to discuss. There is a broader range of issues related to leadership, competency in leadership, preparedness in terms of the huge amount of money we have invested in our armed services and our military apparatus and why we cannot have the dual preparation of the same body of people who are prepared to fight wars also be trained to take care of natural disasters of any kind.

However, before I commence to discuss this betrayal of the people on the bottom, people from working families by our leadership, I would like to yield to the gentleman from Detroit, Michigan (Mr. CONYERS), who has a set of items that he would like to discuss on his own.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from New York (Mr. OWENS) for his discussion, a very important one that I am very pleased to associate myself with.

I rise to use this part of the Special Order to discuss the health care crisis in America, the uninsured, and the need for universal health care. It strikes me as unacceptable that America remains the only country among the developed nations that still does not have a universal health care system. It is time for this body, the Congress, to pass a universal health care bill now.

The biggest problem in this country is that our health care is run like a business; and the profits of private health insurance companies, health maintenance organizations, and pharmaceutical companies are more important than whether or not working families and senior citizens and small businesses in this country and their employees have access to affordable and high-quality health care.

So I rise to discuss this serious health care crisis and the fact that it can no longer be ignored. It is my belief that the time has come now for bold and decisive leadership by the Congress to address the growing crisis of the uninsured, the skyrocketing costs of private health insurance which is hurting working families, and non-working families all over this country.

How many more horror stories must we read in the newspapers across the country, day after day, that painfully describe the plight of the uninsured and the underinsured before we act to pass universal health care legislation that guarantees once and for all that all of us, all Americans, regardless of income, employment, regional demographics, or race have access to the highest quality health care possible.

□ 1515

Recently, in *The New York Times*, op-ed writers are reminding us and calling for national health insurance that covers everybody, everybody in, nobody out, as the best way to solve the crisis of the uninsured. In an October 17 *New York Times* op-ed, which highlighted the plight of uninsured workers in America, that article pointed out that 9,000 Wal-Mart workers needed public insurance in Wisconsin alone. And the op-ed concluded with the notion that the problem of uninsured cries out for a Federal solution and that Washington lawmakers have done nothing to solve the larger problem, the crying need for national health insurance.

Polls reveal that the majority of the American people support the concept of

universal health care. The majority of American people support universal health care, yet we have failed to pass health care legislation. According to a recent Kaiser Foundation poll, 64 percent of Americans favor expanding Medicare to all Americans. A Pew Research Center for the People and the Press survey was conducted by Princeton Survey Research Associates on July 14 through August 5 of 2003 nationwide. And cities across the country, Boston, Pittsburgh, New York, and Detroit, have sponsored universal health care hearings where hundreds of citizens are demanding from their Members of Congress that they fight for passage of universal health care legislation because they are tired of the high cost of private health insurance, and being uninsured, sick, or broke due to our profit health care system is no longer something that they can deal with.

So on behalf of the 49 other Members of the House of Representatives, the gentleman from New York included, I am proud to say, we are happy to propose and set forth for examination and discussion House Resolution 676 that supports the idea and how we get to a national universal health insurance that allows everyone to be covered no matter where they are from, no matter what their illness. We want to put an end to a system which really is so threadbare that we cannot fix it up any more. There is no more mending that we can do. There are no more ways we can patch it up.

We have now come to the point in time where not only the people but a number of our friends in the labor movement are supporting universal health care. Twelve international labor unions and individual local unions across the country now support single-payer universal health insurance. This includes the United Automobile Workers, the American Federation of State, County and Municipal Employees, the United Steelworkers of America, Service Employees International Union, SCIU, and the National Education Association.

Mr. OWENS. Mr. Speaker, if the gentleman will yield, I would just like to note that on today's front page of *The New York Times*, today, Thursday, October 20, there is an article which talks about, and the gentleman mentioned patching up, we should no longer try to patch up the system. There is an article which says that Jeb Bush, the President's brother, who is the Governor of Florida, has been given a waiver to revamp the Florida health care system, the Medicaid system.

The essence of what Jeb Bush is proposing is that they will establish a certain amount of money to be spent on each Medicaid patient, and when that runs out, that is it. They die. By implication, they will spend that amount of money on the health care of that person and when that amount of money runs out, then they are on their own. And if it is some procedure, of course,

which they cannot afford, they would have died.

Would the gentleman care to comment on that?

Mr. CONYERS. Well, it is this cold-blooded bottom-line economic business approach to health care that makes us rank number 37 among the nations in the world when they examine how this health care is being delivered. The fact of the matter is that you cannot ration health care if you want a strong nation.

If you really need to go to the doctor, if you really need treatment now before it becomes worse or uncorrectable or fatal, as the gentleman suggests, we cannot send out an arbitrary amount of money because we are doing other things in the world or we are building new weapons of mass destruction or we are doing anything else. We have to have a health insurance system that is flexible to the needs of the people.

And one of the first things that we would come to, I say to the gentleman, is that we are catching up to people who have needed ample health care for a long time. One of the great things about health insurance, at least our program, is that health insurance would be working in a preventive mode; that when you get sick and get well, you will then be treated and you will come back for annual checkups and you will actually reduce the cost of providing the American citizens with health care.

So it is incredibly important that this debate start here and now. And I have been told that other Members of the Congress were talking about this subject today, so I will be anxiously reviewing their comments so that we can continue a broad discussion of this matter.

Right now there are 45.8 million people with no insurance. They are not underinsured, they have none whatsoever. And then there are any number of million who have insurance but they are underinsured. They do not know that what they may go to see their doctor about is not covered in their plan until they find out the hard way.

So I want everyone in our body to know that this is the beginning of a discussion that I am prepared to deal with on every issue, every aspect, because we want to make it clear that this is not just something for some group of people. This is going to benefit our economy. Goodness knows General Motors and Ford and Daimler Chrysler in Detroit all are struggling with the legacy costs that they have to carry because we have an employer-based system. And many of our automotive competitors have national health insurance systems, so they do not have to carry those additional costs.

So this is the beginning of a discussion that we will welcome as many as would join in as we sort these issues out and move toward the time when America will enjoy a universal health coverage system that cares for everybody in this country, from shore to

shore. And I want to thank the gentleman for participating in this discussion, and I yield back to him.

Mr. OWENS. I thank the gentleman and would like to say that the remarks I am going to continue making are very much in concert with the general theme of what the gentleman has said.

Every American, every human being, certainly every American citizen deserves to have the entire society involved and engaged in trying to guarantee that they get the best health care possible. There can be no second class, bargain basement health care.

Our leaders have failed us by making us believe that it is impossible, and these proposals that are being made today on the front page of *The New York Times* about Jeb Bush in the State of Florida are just beginning, but Kentucky is in line and a couple of other States want to do the same thing, which is to put a price on health care. You get \$1,000 a year for your medication, for your examination, or for whatever, and after that you are on your own. Now, the \$1,000 is hypothetical. They do not quote a figure. But they are saying there should be a figure for each individual, and after you run out of money in your account you are on your own, that the State will only go so far and that is it.

I think that is cruel and unnecessary. We are the richest Nation that ever existed in the history of the world. If Canada, Germany, Spain, France, and all kinds of nations can have a decent health care system with a volume of income much less than that of the United States, we certainly can afford to provide health care for every individual.

The attitude regarding people on the bottom is what I am talking about. The attitude about the folks left in New Orleans to float and drown in the water, that attitude, and I know some people are saying we are beating that to death and let us get off of it, but it is so symbolic. It was visual. You could see it. When a set of leaders and a Nation decides that people are expendable, that they are not worth it anymore, they are not important, you can lead to that kind of cruel and inhuman neglect.

Too much of that mindset of cruel and inhuman neglect permeates the present administration. It manifests itself in so many different ways. Not that it is only this administration. There are other parts of the world where you have cruel and inhuman treatment by leaders also. Pakistan now has a serious problem with an earthquake. And I am going to try to limit my remarks because I want to go to a meeting with the ambassador from Pakistan to talk about what we can do to help deal with the suffering that is going on there. But one of their big worries in Pakistan, the worries of ordinary people, is that their leaders are so corrupt that they will never get the money that is being donated. It will not be used properly. They will never

buy the medicines or buy the cots and the equipment. Large parts of it will be drained off.

The great fear there is corruption. And, of course, Third World countries, developing countries have a major problem with corruption. We talk about it here in the United States all the time. We talk about denying the World Bank resources to certain nations because of the fact that they have corrupt governments, corrupt leaders. But the corruption goes on here also. In Katrina we have a graphic example of how that corruption can be cruel and inhuman and get out of hand.

Just two quick actions by the White House show the point that I am trying to drive home. They failed to properly provide for the people of New Orleans, and large numbers have suffered needlessly. Large numbers have died needlessly. Large numbers were trapped in a situation which was quite inhuman. They were in a dome, a huge dome, a sports dome with 20,000, 30,000 people. Imagine being in a convention center, a huge convention center and to have the lights out for two or three nights. Remember, it is summertime and it is smoldering in the heat, plus the darkness. The fact that those people did not go mad, that more of them just did not go out of their minds is a miracle unto itself. They all deserve to be awarded medals as heroes. Anybody who could come out of there and just keep their sanity deserves to be saluted as a hero.

And if you doubt that, why not experiment at the next basketball game we go to. Ask the managers and those in charge of the arena to turn off the lights for 2 or 3 minutes and have a moment of silence to meditate on what it would feel like if you were in the dark with people you do not know, in large numbers, for a whole night, say for three or four nights. What would it feel like? I think we ought to experiment with that and let Americans across the country have the lights turned off at the next basketball game and just sit there. Of course, they would know there is no flood outside, that nature is not running wild, but that you are just in the dark. You are in the dark with strangers for 2 or 3 minutes. Now try to project that on spending two or three nights in the dark like that.

Those people, the fact they did not lose their minds shows that they were quite strong and deserve to be awarded medals and not be looked upon as some people have chosen now already to look upon them; that they are now problems; that they are unworthy; that they should have known how to get out of the city and out of the flood on their own.

□ 1530

They are now a burden on the government because they have nowhere to go. They have been housed in shelters, and now we need to find trailers and shelter for them.

Our leaders let them down because the flood should never have happened

in New Orleans. The flood was not a natural disaster. The hurricane was over when the levees broke. The fact that those levees had not been taken care of is just one more example of how the leadership of this Nation, people on the top, are corrupted where they do not deal with problems as they should, and therefore they make the people on the bottom suffer unnecessarily.

As I have said on several occasions, the Netherlands, the Dutch, are a whole nation below sea level. As a nation, they have been contending with the same problem New Orleans has. They know how to hold the sea back; they know how to manage floods. They know how to deal with water. They have never been called upon to revamp the levees and deal with the situation in New Orleans.

It would have been easy to get that kind of expertise. If you cared about the people of Louisiana, they could have solved the problem. The technology and the know-how is there. They had scenarios in New Orleans which showed that terrible things would happen if the problem was not taken care of. Nevertheless, our leadership refused to appropriate the money. Our leadership refused to allow the engineers to deal with the problem or come up with people competent to deal with it. Or they could have called upon the Netherlands to provide experts. That is one solution. We lean on other nations when we need their technology in other areas, so why not call upon the people of the Netherlands to help New Orleans protect itself from the sea.

But getting back to the most outrageous actions by the White House, once we have gone through the problem of failing to protect the people of New Orleans from the flood, failing to protect a large portion of the population from unnecessary suffering and in some cases death, senior citizens dying in large numbers in hospitals and nursing homes, we have all heard the litany of personal disasters and family disasters that were suffered as a result of our failed leadership.

The Congress of the United States appropriates. It stands up and shows it is up to the task. It does not hesitate. It appropriates \$60 billion to deal with the problem right away. We are into removing the rubbish, cleaning up the problem of the floods, providing the necessary temporary shelters, and preparing to reconstruct. All of that will require money and we are spending the money. It requires the money to be utilized to hire contractors. We have hired the contractors. The private sector will make some profits. That is the way it is in capitalism. We do not want to see anybody gouging and making unnecessary profits, but they probably will. That is a fact of the way the world operates.

In the meantime, work that has to be done, that work should be done by the people who need to earn an income rebuilding the place destroyed because of the failure of our leadership. But they

get right away a terrible blow from the White House. Right away the White House acts with great speed, and we know there was no great speed with respect to meeting the rescue needs of the people of New Orleans; but in the process of granting contracts and beginning the cleanup and the restoration, the White House orders that Davis-Bacon should be suspended. Davis-Bacon is a regulation in existence since 1933, which requires whenever Federal money is utilized in any project, that project must pay wages to the people who are carrying out that task, pay wages which are consistent with the wages of that area.

If you are in New Orleans, whatever they used to pay plumbers in New Orleans, pay the plumber that amount. Whatever they pay the electricians, the bricklayers, in the process of cleaning up and restoring, they should pay the same wages.

Having looked at the amounts, they were not high at all compared to average wages across the country. Electricians, bricklayers, plumbers, everybody in New Orleans is at the lower end of the scale in terms of prevailing wages. The average wage for most people in construction jobs is higher in the rest of the country than it is in the southern part of the country and in New Orleans.

So why the President rushed to remove Davis-Bacon cannot be explained rationally because they already had a situation where wages were very low. But once you remove the requirement of Davis-Bacon, then contractors can pay less than prevailing wages. If the wages are low already, where are you going to find people who will work for less than they do in the average situation across the country.

You find them among illegal immigrants; you find them among people who must have a job and cannot complain if the working and safety conditions are bad. You find them among people who are frightened, can be pushed around, not paid when they are supposed to be paid, and jilted out of part of their paycheck. People who will never have any vacation leave or fringe benefits, any health care. That is what the contractors will find once Davis-Bacon is removed, you do not have to pay prevailing wages; you can go under that scale and get the cheapest people and make the biggest possible profit off the misery of people who suffered in this natural disaster.

President Bush and key cabinet members were all excruciatingly slow in responding to Hurricane Katrina and its devastating effects. The televised images of thousands of African Americans marooned without food or water in the New Orleans Convention Center and Superdome shocked the world, yet the President was slow to return to Washington, D.C. and was slow to respond to take charge in response to the disaster.

The one fast action taken by President Bush was when he moved to sus-

pend Davis-Bacon. In other words, the President acted as speedily as possible to cut workers' wages on all federally funded recovery and reconstruction projects throughout the Gulf Coast States. The President himself said in New Orleans that rebuilding the city of New Orleans alone will constitute the biggest reconstruction project in the history of the Nation. It will cost many billions of dollars. Congress has already appropriated some \$60 billion towards this end.

And in the corrupt tradition exploited by the Bush administration already in the Iraq war, the President then proceeded to no-bid and cost-plus contracts for billions of dollars, and they have been granted to a favorite set of contractors, which includes Vice President CHENEY's former employer, Halliburton, and its branch subsidiaries such as Kellogg, Brown & Root. Halliburton has not been told to watch its spending carefully or restrain its profiteering because in a cost-plus contract, it is designed to give the contractor every leeway and maximizes opportunities for making extraordinary profits.

But the Bush administration, hiding behind a fig leaf, asserts they had to suspend Davis-Bacon, which provides a modicum of protection for workers on these Federal projects. They said they had to suspend it because it requires paperwork and that will cost the contractor money and waste time. But the people on the bottom, the people cleaning up the rubbish and the hard carriers and the bricklayers and those folks, their income and protection for them, the provision of decent wages for them was of no concern.

Now the prevailing wages in the Hurricane Katrina-affected regions are lower than ever before. They were never that high by national standards. Under Davis-Bacon, a pipe layer in Mississippi would earn \$7.45 an hour. I cannot imagine, given what a pipe layer earns in New York City, how you could find anybody to do that job for \$7.45. A pipe layer in Alabama would earn \$8.21 an hour. A pipe layer in Louisiana would earn \$9.84. All of those are very low wages for those jobs if you know anything about plumbing and the high cost of it across the Nation.

Such wage rates are hardly earth-shattering by anyone's standards; but under the Bush plan, skilled workers, many of whom lost their homes and all their belongings in Hurricane Katrina, will only be paid the Federal minimum wage of \$5.15 an hour. We hope that they will be paid the Federal minimum wage, because as I said before, the only workers that you are going to get to work for such low salaries are usually illegal immigrants, people who cannot fight back, who cannot report you when you fail to live up to the requirements of the wage and hour act, and who are at your mercy. That is the pattern where we are finding large numbers of illegal immigrants are being used.

The question of illegal immigrants is certainly one that I do not want to be recorded as being backwards and not sympathetic on. I favor what was proposed by the AFL-CIO last year. Let us look at all of the immigrants who are in the country now who are undocumented and who have been here for a while, who pay their taxes and are working, and through an amnesty create a situation where they may begin the process of becoming citizens. They can then begin the process to become citizens. They can join unions or associations. Or if they want to stand as an individual, they know they have rights and cannot be intimidated or cowed by an employer. They will help to raise the standards by working for decent wages, wages consistent with the cost of living in this country.

I do not like the exploitation of illegal immigrants. I do not blame the illegal immigrants for being exploited, and we can get out of this situation and allow them the opportunity to work without being exploited if we will act on amnesty as soon as possible.

As we have discussed at length on this side of the aisle, certainly with Democrats' policies, the Federal minimum wage also at present will not allow anyone to climb out of poverty. That \$5.15 an hour, assuming that the contractors will at least pay that and that they will not go below the national minimum wage, that Federal wage will not allow anyone to climb out of poverty.

A person working full time year-round at the rate of \$5.15 an hour will merely earn \$10,400 a year. If that is a parent with two children, he or she will earn \$4,500 below the poverty line designated for a family of four. This suspension of Davis-Bacon protections, especially for those who have lost everything in the wake of Katrina, is an utter disgrace.

The White House is not through with the people on the bottom. They are not through with working families. They decided to go further; and through the Department of Labor, they also suspended the affirmative action guidelines. The affirmative action requirements are quite simple. They do not have much enforcement mechanism in terms of making employers or contractors hire a diverse group of workers. They do require that they report what efforts they make toward diversity.

There are a few pieces of papers that say in the process of hiring people, you should take certain steps. But even that, the Bush administration decided that should be thrown overboard. And as I mentioned earlier, in the process of doing that, large numbers of people who lived in New Orleans, 60 percent of whom were African American, were denied priority in seeking the jobs that would allow them to return and start rebuilding their lives since they, as minorities, would have had to have some consideration made by the contractors; they would have a greater possibility of getting a job if they returned to New Orleans and tried to work there.

□ 1545

The message that was sent by that affirmative action suspension was do not come home. Go somewhere else and look for a job because you do not even have the protection of the simple weak affirmative action laws of the Federal Government that we had before. It was a message that sets up a situation which I hope is not true. Many of us, a lot of people, fear that we may have what was called in the 1960s Negro removal on a massive scale and that New Orleans will never be the same. The black population, the African American population, will never be allowed to return to New Orleans. They are spread throughout the whole Nation now in shelters. Most soon will be out of shelters, but they will not be in one place anywhere. There are 2,500 in New York City. I think another 2,500 are coming in to be put up in hotels and various places. There are some in Utah, some in Idaho, lots in Texas. All over they are spread. They have been removed.

During the 1960s, there were accusations that the big developers, the people who wanted to make a lot of money in the middle of the cities would come in with plans to redevelop the city, and the oldest parts of the city, although they were centrally located, would be the poorest parts in terms of buildings, so they would have tenants in them who were very poor tenants. In many cases in many cities, these people were people who were minorities, and the process of removing them made great profits for the developers. If they got them out, the new buildings that they built would not be for them. It would be for people with high incomes who could afford the kind of higher priced housing that was being built.

Here we have a situation where an act of nature is the beginning of the process. I said the flood in New Orleans was not caused by nature, by the hurricane. It was caused by poor leadership which had not maintained the levees and the dikes and the pumping stations, and that is the problem there. But, anyway, by that act we have had massive removal of people and now with the policies of this administration suspending Davis-Bacon, suspending affirmative action, making it clear that people are not welcome back, we will have permanent removal of a whole population.

Unprecedented in the history of the Nation. Of about 400,000 people, at least 200,000 of those people lived in the section that was heavily flooded. They will be there no more. It will change the politics of New Orleans. It will change the culture of New Orleans. Some people say, well, Disney can move in and they do not want to rebuild houses in the places that were flooded before because there may be another flood, but if they built an amusement park and they built it high up off the ground, it would not matter if it was flooded or not. And some folks said that is probably what is going to

happen, that Disney will come in and try to take over.

Well, Disney did not come in and try to take over. The Mayor of New Orleans announced that we have got to move our casinos off the river and move them inland. Where are they going to put the casinos? I guess they were going to put them in the same places where the poor people lived before. It would not be Disney, but it would be "casinoland."

So it is not exaggerating to talk about massive Negro removal, black removal, African American removal, massive removal of a population that was considered undesirable in order to give the marketplace the opportunity to really make tremendous profits.

One can imagine how the ancient Israelites felt when the Romans decided to do one of the most brutal and cruel things ever done. That is, they took the whole nation and moved them out, spread them out over the world, and there were 12 tribes. They broke it up into 12 tribes and moved them off their homeland, massive removal. We have something similar to that taking place in New Orleans. A whole mass of people is now in a situation spread out over the entire United States and not ever likely to be back in their home unless we have different policies by a different kind of leadership.

I want to yield to the gentlewoman from California (Ms. WATSON) for her comments.

I want to point out, while she is taking the mike, that we had a massive earthquake in California during the Clinton administration. Nine billion dollars was appropriated by the Federal Government to rebuild the bridges and the highways that were destroyed by that earthquake. The President did not suspend Davis-Bacon. He did not suspend affirmative action, and the contractors completed that job 3 months ahead of time. We do not need to do those cruel things that have been done by this administration in order to guarantee that we are going to have the most effective production.

I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS) for yielding to me.

Mr. Speaker, I would like to address the health care crisis in America that relates to the presentation that the gentleman from New York (Mr. OWENS) is giving now.

The United States Census Bureau reports that in 2004, 45.8 million people were without health insurance coverage and several estimates double that amount to include the underinsured. Moreover, the percentage of people covered by employer-based insurance declined to 59.8 percent of the workforce. Shamefully, there are over 8 million uninsured children in this country who do not even have the opportunity for employer-based coverage.

On the other hand, health insurance premiums have increased astronomi-

cally since the beginning of the Bush administration. According to Families USA, workers' costs for health insurance have risen by 36 percent since the year 2000, far surpassing the miniscule 12.4 percent increase in earnings since the President took office. In 2005 it is unbelievable that over 50 percent of insured Americans spent more than 10 percent of their income on health care. Over 10 million insured Americans spent more than 25 percent of their income on health care. And embarrassingly, over 6 million Americans spent more than 33 percent of their income on health care.

According to the World Health Organization, the United States ranks 37th in the world in overall health care quality. Thirty-seventh. This administration and this Congress must pay attention to the health of our Nation in order to improve on the wealth of our Nation. And when we talk about homeland security, we are not talking about the land alone. We are talking about the people who live in this land. Rising health care costs are forcing American businesses to lose their competitive edge and to consider relocating overseas. It is time for Congress to pass universal health care legislation now.

American humanitarian outreach dictates that we consider health care programs around the world. According to the Institute of Medicine, 18,000 Americans die each year because of being uninsured. America is the only country among developed nations that still does not have universal health care.

In a related matter, minority groups often encounter major obstacles in obtaining health care. Minority groups are less likely to have health insurance and are less likely to receive appropriate health care services. In the year 2004, the uninsured rate was 19.7 percent for African Americans, 32.7 percent for Hispanics, and 11.3 percent for non-Hispanic whites.

The "Healthcare Equality and Accountability Act of 2005" would go far in lifting the shadow of health disparities that fall not only on minority communities but on all Americans. H.R. 3561, sponsored by the gentleman from California (Mr. HONDA), would make quality health care more affordable, providing coverage for parents and young adults who are currently uninsured.

Mr. Speaker, I urge my colleagues on both sides of the aisle to act in a responsible way, to look seriously at health care reform, and we must, for our own prosperity, insure all Americans and ensure quality health care for all of us.

Mr. OWENS. Mr. Speaker, reclaiming my time, I thank the gentlewoman from California for her comments.

The broad, overarching message today is the betrayal. We are protesting the betrayal of working families and poor people on the bottom by our leadership, and the health care crisis that was cited by the gentleman

from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. WATSON) is part of that whole process. I want to thank the gentleman from Michigan (Mr. CONYERS) for sharing this Special Order that he had reserved for a discussion of health care with me in making the broader case that working families, people on the bottom, are being betrayed.

At this very moment, as I said before, there is a meeting of the Pakistani Caucus of the House of Representatives to discuss the disaster in Pakistan, the earthquake there which killed more than 40,000 people already and millions have been left homeless, and they are homeless in the mountainous region where the snow and the ice is now beginning; so millions will die as a result of not having the equipment and the materials that they need as fast as possible.

One of the big fears there is that their leadership has let them down and they are not prepared for this. Another big problem, of course, is the rest of the world, nations like the United States of America, should rally to their defense and provide faster and more aid.

But disasters, natural disasters, are not quite as frequent in most years as they are this year. We have another hurricane on the Florida coast right now. They seem to have gotten suddenly stronger, the hurricanes and storms, earthquakes, tsunamis. This has been a very disastrous year. As I said previously on this floor, these disasters are not so great that we do not have the capacity to deal with them as the world. Certainly this Nation could do so much more to help. If they really care about the people who are suffering, if our leadership really cared, these disasters can be handled rapidly with minimum loss of life. We have \$500 billion we spend on our military apparatus. That is without adding the extra money to fight the war in Iraq. A military of that size should be capable of dealing with disasters of any kind as well as fighting wars. The same is true of the army in Pakistan.

One of the things that some Pakistani citizens were complaining about was that army people arrived and were standing around doing nothing and, when they were questioned about why do they not help more, they said, We are waiting for our orders. They need specific orders how to help out in a disaster. They have been trained to aim, ready, fire, shoot and kill. Why can all the armies in the world not be trained to take care of these natural disasters as well as to provide defense for nations? Why can we not have leadership which ahead of time assumes that it is going to be our responsibility? It is the duty of a government, the duty of leadership, to take care of people in times of natural disasters. And our government apparatus in its entirety, including the military, should be available to do that.

Certainly, that did not happen in New Orleans, and we are very much

aware of what the consequences can be when we have this huge rich nation with all of these possibilities and all the material and personnel available but we have no leadership at the top that can do the job. Our leadership let us down.

The gentlewoman from California, I said before she spoke, is from a State which suffered a huge earthquake a little more than 10 years ago, in 1994. The Northridge earthquake in Los Angeles caused a tremendous amount of damage. Congress appropriated money, and as I said before, there are some lessons to be learned from what happened in that disaster.

□ 1600

I am talking about a government in power, a regime in power, a White House leadership that seems to persecute those at the bottom at a time like this. Or, as this particular paper which is called: Lessons for Post Katrina Reconstruction, A high-road versus a low-road recovery, this paper talks about what happened in California at the time of the Northridge earthquake. It is written by Peter Phillips and was published by the Economic Policy Institute.

Foremost among those lessons is that competitive bidding and enforcement of labor standards such as the Davis-Bacon prevailing wage law can help ensure that work is done expeditiously, safely, cost effectively, and with maximum benefit to the local population. That is one of the lessons that this study points out that we learned at the time of that huge earthquake in California.

President Bill Clinton refused to suspend the Davis-Bacon Act in 1994, yet the Los Angeles highways were rebuilt at lightning speed. In particular, the Santa Monica Freeway was rebuilt in only 66 days, less than half the time that had been stipulated by the State of California.

The need to rebuild quickly is no excuse for suspending the Davis-Bacon Act or affirmative action requirements as President Bush has done. The lessons we have already learned are not being applied by this White House regime, because this White House regime governs for a few and cares very little about those on the very bottom. The few at the top are the preoccupation of the present administration, and that leads to great cruel and inhuman treatment to the people at the bottom.

We had a resolution that we proposed in the House Education and Workforce Committee this morning. It was a resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction relating to Hurricane Katrina recovery that relate to wages and benefits to be paid to workers. We want the President to explain why he suspended Davis-Bacon. One of the explanations that was given by people in the committee who supported the

President was that it had been suspended before by other Presidents. President Roosevelt once suspended, I think it was for about 30 days that President Roosevelt suspended it on the conditions which are very different.

We are requesting that the President transmit to the House this information. And of course we had a lengthy discussion in the committee, and then the majority Republicans took a vote that they would report it to the House only with a recommendation that the House consider it unfavorably, and they voted to do that. So the report comes to the House with a recommendation that the majority, the Republican majority, the President's party considers the request that he provide information to Congress about why he suspended Davis-Bacon, they consider that report, that request to be a nuisance request.

It is most unfortunate that we cannot have information, simple information provided to the Members of Congress. After all, we are all elected under the same conditions and we come here. We want to do a job for our constituency. Why can we not at least have information?

We gather information from other sources. Immigrant workers exploited in the gulf coast are talking to newspapers. I have a report here which says that Gulfport, Mississippi you had a report from several immigrant workers that, first, of all, you have 32 immigrants housed in three mobile homes and they were being paid \$8 an hour to tear sheet rock for 10 hours a day. They were among hundreds of illegal immigrants who entered the United States hoping to find work in the aftermath of the hurricane. One of the big complaints that they have is that they were promised \$8 an hour, but they were not paid. They were not paid on time. And they were not paid in some cases at all, and other conditions in terms of they were told that they would get food and shelter but the food is quite sparse and, as I said before, shelter means they are putting 32 immigrants in three mobile homes in one case. And on and on it goes with respect to the kinds of conditions that contractors are taking advantage of in the gulf coast reconstruction.

Many of the same contractors in the gulf coast reconstruction are also the American contractors who operate in Iraq. In Iraq, they found that they could make high profits on the no-bid contracts, billions of dollars have been spent that we cannot even tell where it went. There is a \$9 billion question around money that was appropriated to reconstruct, and nobody is even asking questions in this administration about where the money went. We know it is missing, but nobody wants to deal with a hearing or an investigation to tell us exactly where that money went. So they certainly have made a lot of money in Iraq, but even with the tremendous profits they were making the security question is such that they

made less than they perhaps wanted to, less than they agreed, told them they should be making. So the same contractors have come back, and in the domestic situation of the gulf coast, of course, they do not have to pay for security. They do not have to worry about contractors being shot, bombs blowing up. So now they are poised to make all the money they could not make in Iraq in the gulf coast area by taking the contracts, hiring illegal immigrants at the lowest possible rates, and making off with the taxpayers' money.

One of the side products of this process is that experience has shown and several studies have shown that when you do not use Davis-Bacon you get workers who are less skilled, you get workers who care less about what they are doing, and you get an inferior product. Buildings have collapsed that have been built by workers who were not workers who were Davis-Bacon workers because they were not the usual workers that did that kind of construction in that locale. Buildings have collapsed and all kinds of projects have suffered as a result of shoddy work done by people who were being exploited by the contractors.

We would like to see not only Davis-Bacon, the President should restore Davis-Bacon requirements so that we have prevailing wages throughout the gulf coast region. We would also like to see that the President say that: Look, even when you have Davis-Bacon, you have low wages which are very difficult for people to live on, and beyond that you have a minimum wage which is the Federal Government's minimum wage which is also almost impossible for people to live on.

So along with restoring Davis-Bacon, along with restoring affirmative action regulations, we would like to see the President allow us and encourage his party to let us bring to the floor of the House the proposal that we have to increase the minimum wage. We want to increase the minimum wage as a way of demonstrating to the people who are on the bottom, to the working families of America that they have a leadership that cares about them. This leadership does not hesitate to demand that the sons and daughters of working families leave their last full measure of devotion on the battlefields in Afghanistan, in Iraq, or wherever else they may be needed.

Next, we demand that they do that, and they are doing that, and yet we do not want to give them a piece of our prosperity in our economy, not even \$5.15 an hour worth.

Despite huge improvements in the average educational level of our workforce, most American workers today still do not have jobs that pay decent wages and provide health care as we were talking about before and a pension. Only 25.2 percent of American workers have a job that pays at least \$16 per hour and provides health insurance and a pension, according to a new

study done by the Center for Economic and Policy Research. That is the level. \$16 an hour is the level you need in order to have a decent wage, and you must have that accompanied by a health insurance benefits program and a pension if you want to be called a person of sharing in the American economy as would be appropriate.

So I close with my opening statement: We need leadership at the top, in the White House, in this Congress that cares about working families, leadership that cares about the people at the bottom. Disasters come as a result of a plan by God that none of us may understand, and we should not trying to spend time trying to figure out what God is doing. What we should do is do what man does best, and that is have the most competent and most caring and compassionate people that we can in the leadership to take care of the needs of the people who are suffering on the bottom.

IMMIGRATION

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, the Chair recognizes the gentleman from Texas (Mr. POE) for 60 minutes.

Mr. POE. Mr. Speaker, as a former judge and prosecutor in Texas, I spent most of my life enforcing the law. I know firsthand the cost of having laws on the books that are not enforced. To make law, whether it is on the State level or the Federal level, and then wink and ignore those who break the law is to live a lie. A government that tolerates law breaking surrenders its integrity, it surrenders its credibility, and it surrenders its self-respect. And right now, Mr. Speaker, America's immigration laws are not working. They are not even enforced.

We must secure the borders and reduce the number of people residing in the Nation illegally. And, of course, amnesty is not the answer to this. Those people here illegally have violated the law, and giving them amnesty is rewarding them for breaking the law. As a judge for 22 years, I never once gave a person amnesty because they got away with breaking the law for a long time. Those who have broken our laws must find themselves penalized, not rewarded, for the disregard for the rule of law.

Mr. Speaker, we have anywhere between 11 and 14 million people here in the United States that are here illegally, and we cannot reward them for breaking the law. Many of them are here because several years ago this country adopted a plan, a plan that has not worked, and that is the plan of amnesty: Tell those people that are here it is okay, you can stay. And now we have encouraged people from all over the world to come to the United States illegally.

Mr. Speaker, I want to make it clear that I am a supporter of immigration, a supporter of legal immigration. I am

proud of the fact that my heritage is from Scotland and from Germany. But in this country we have now taken the policy of discriminating against people who want to come here legally to the benefit of lawless illegals. I will give you an example.

In my southeast district in Texas I represent numerous individuals who have come to the United States legally, obtained citizenship, and I recently talked to an individual who was from the nation of Mexico and became a citizen of the United States, and he has been trying to bring the rest of his family to the United States legally. He has a son that he has been trying to bring to this country legally for the last 15 years, Mr. Speaker. And yet because of bureaucracy, red tape, and incompetence, that has not been granted. He wants to do the things the right way, the legal way, and he has discouraged his son from just merely crossing the border illegally like 5,000 people a day do on the southern Texas border, come into the United States illegally by walking across our border.

We have developed a policy that is no policy. We expect our border agents to patrol the vast thousands of miles from Texas to California. And when they actually capture someone coming into the United States, here is what happens, Mr. Speaker: They are arrested, they are taken to a Federal magistrate, they are told that they are going to have a deportation hearing eventually. But the detention facilities are so crowded that over 90 percent of them are released on their word to show up for their deportation hearing 6 months away.

This defies common sense, the idea of this catch and release policy. Capture the people illegally coming into the United States, take them to court, and tell them: If you promise to come back for your deportation hearing, we will have a hearing in 6 months to determine whether you get to stay or you must leave. Are we not surprised that most of them do not come back for their hearings? This defies common sense, it wastes time, and it does not work to solve any problem with our immigration, or, shall I say, our lack of immigration policy.

And just so it is clear, Mr. Speaker, we now know that over 50 percent of the people illegally coming into the United States from the southern borders are not from Mexico. They are from all over the world. They are from China, they are from South America, they are from Europe, but they are not from Mexico. And the reason? Every country in the world knows the United States has open borders, that we do not protect our dignity, we do not protect our sovereignty. So people are coming into the United States illegally, over half of which are from other countries other than Mexico.

I will give you an example. Recently we had an individual arrested by the name of Samir Abdoun from Algeria. He was caught entering California from

Mexico with a French passport. He was released with that summons to appear in court for his deportation hearing, and of course he never showed up for that hearing. He, like many thousands of other people in the same situation, assimilated into the United States.

□ 1615

Three years later, he was arrested on September 22, 2001, when it was learned that he had met for coffee several times with two of the hijackers that took part in the attacks on our country on September 11. Finally, Somar was deported last year.

This catch-and-release policy, where we spend the time to catch those few people that come across illegally and release them on their word to come back to court, simply does not work. We obviously need detention facilities for these people. We obviously need quicker hearings. It should not take 6 months to have a deportation hearing. They should happen within that week.

Then, Mr. Speaker, we have other policies that defy common sense in our immigration lack of policy. One of those is the sanctuary policy where many cities in the United States have taken the position that they will not arrest people in their city that are there illegally. They will not help the Federal Government arrest those individuals. Let me give my colleagues an example.

Many police agencies cannot inquire as to the status, the legal status of an individual that they arrest. One of those cities unfortunately is the City of Houston. In the City of Houston, if a police officer arrests somebody for let us say jaywalking, that individual can be fined for jaywalking, but the police officer cannot inquire as to the legal status of that individual and turn them over to the Federal authorities if they are here illegally in the United States. Why do we enforce the jaywalking laws, why do we enforce the traffic laws around the Capitol with all of the cameras and the red lights, why do we enforce those laws, but yet we do not enforce the basic rule of law protecting the dignity of the United States? And we do not deport those individuals that police officers know are here illegally because they cannot even turn them over to the Federal authorities.

Mr. Speaker, there are ways to beat the United States and the United States system. What I mean by that is a policy apparently perpetrated on this country by the country of Mexico. I have here a pamphlet that is published by the government of Mexico that explains to people who want to come to the United States from Mexico illegally how to come to the United States. Part of this I have blown up on this chart. It explains, this pamphlet explains to Mexican nationals where to cross into Texas so they are not caught, what to do if they are confronted by a border agent, how to deal with coyotes, those are the people for money that illegally bring people into

the United States; and where is the best place to cross into the United States. Mr. Speaker, the country of Mexico is exporting its problem and making it our problem, and this is something that ought not to be.

Of course, there are other ways to defy the law, the rule of law. Before a person illegally comes into the United States, before they cross the border, there are flea markets, places where an individual can obtain illegal, forged American Social Security cards, obtain other forged documents such as green cards to come into the United States, and assimilate among the rest of us.

We have to remember, by the way, Mr. Speaker, that Social Security cards are not identification. They serve the purpose of retirement. They do not serve the purpose of identification, but yet that is what it is used for.

The problem continues on the southern Texas border, the other borders that border Mexico, where individuals come across to receive health care, not at their expense, but we pay for it. One way is many individuals come across the border, the individual is pregnant, goes to one of our emergency hospitals, our emergency care is tremendous, and then grants that individual of course permission to come in. A baby is born, that baby becomes a United States citizen, and then the whole family then becomes the problem of the United States. Individuals come here to receive that free health care because we do not turn anybody away. So maybe the United States needs to start sending a bill back to those countries and expecting them to pay for the health care that we pay for that they refuse to pay for in their own country.

We have heard a lot, Mr. Speaker, today on this floor on both sides talking about two important issues that are expensive to Americans. One of those is health care. Oh, we heard on and on and on today about the costs of health care, what we are going to do about it. But one thing we do not want to talk about, Mr. Speaker, is part of the reason health care costs are going up in this country for Americans is because we have people that are receiving health care at the expense of the rest of us. And those are people who are in the United States illegally that go and receive at our hospitals that free health care; free to them, expensive to us. We now know that approximately \$2,700 a year each American has to spend for the health care of people who are illegally in the United States. I will repeat that again. It costs each American taxpayer about \$2,700 a year of their money to pay for the health care of somebody else that is illegally in the United States. Those Americans, as we heard tonight from that side and this side, may not even have health care benefits. This ought not to be.

Mr. Speaker, we also now know that on the southern border of Texas, that there are reports that individuals who wish to do us harm, we call those people terrorists, are assuming the identi-

ties of Hispanic individuals. They are learning Spanish, they sneak into the United States as the downtrodden, illegal immigrants, and they set up cells, networking cells to eventually do us harm. Because, you see, terrorists understand, like everybody else in the world, that we have open borders, that you can sneak into the United States and, once you are here, you can assimilate into the entire population.

So it is a cost factor for Americans, illegal immigration. It is also an illegal issue. But, more importantly, Mr. Speaker, it is an issue regarding homeland security. The next terrorist that does us harm is probably not going to fly into the United States, land over here at Reagan National Airport, and come do us harm. They are probably going to just walk across the border, either the Canadian-American border, or the Mexican-American border. We know that most of the 9/11 hijackers that did us harm, that is exactly what they did. They came across the Canadian border and assimilated into the United States.

Mr. Speaker, as the battle for Iraq races on, the battle for Laredo has begun. I say that because Laredo, Texas, the largest inland port in the United States, is across the Rio Grande River from Nuevo Laredo, a city of 400,000 individuals in Mexico. This weekend I plan on going down to the border of Texas, Laredo, Zapata County, I will be there with a Texas Ranger and some of the local sheriffs and eventually with the border agents to view that situation.

We know what is taking place in the battle for Laredo and Nuevo Laredo. We know this year that 135 people were murdered, 44 Americans were kidnapped in Nuevo Laredo; 7 policemen were murdered. The police chief, the new police chief that was recently made police chief, lasted about 6 hours after he was sworn in, and then he was gunned down with 35 bullets shot into his body. Nuevo Laredo has become a haven for drug traffickers, a haven for gun-running, and a haven for human trafficking into the United States. Because this is an example of where failure to protect the integrity of our borders encourages illegal conduct. That illegal conduct includes those people that wish to make money off the weaknesses of other individuals, and I am talking about those drug dealers. They are bringing that cocaine, that marijuana into the United States from our southern borders. It disseminates throughout the United States. We know that it is a location for gun-running, people who wish to bring firearms illegally into the United States. And we also know that that is where those coyotes, those individuals for money charge other individuals from other nations to come into the United States illegally.

Mr. Speaker, many times we hear from people who think they know about the problem of illegal immigration. Some of those people are, for lack

of a better phrase, those northeastern elites who think they have the answers to all the problems. I would like to invite those people who spend their time out on their yachts near Cape Cod to come down to Texas with me this weekend and go to Laredo and see the problem, the real problem of what illegal immigration does to our country.

The border security is an issue that affects all Americans. I have discussed with many of the property owners that live along our Texas border how illegal immigration affects it. One rancher in Zapata County told me that it was like Sherman's march to the sea, that Union general who invaded the South and burned everything in his path. He said, that is what it is like. They are coming onto my land, destroying all the land, all the property, stealing everything they can get their hands on, because this is the path into the United States.

Property rights are something that maybe we ought to talk more about, how our Federal Government has the responsibility to protect the dignity of property rights of all Americans. Recently, we had an individual by the name of Luis Posada Carriles, he was a Cuban anti-Castro militant who was taken into custody in my home State of Texas for immigrant violations. He is wanted in Venezuela for allegedly blowing up a Cuban plane and killing 70 people on that airplane. This alleged terrorist told American authorities he easily crossed the U.S.-Mexican border in the car of a smuggler, hopped the bus to Miami, and even evaded arrest by U.S. immigration agents by claiming he was a forgetful old man and lost his identification. This is typical, this is scary. It is also proof, Mr. Speaker, how easily it is for a terrorist with plans to harm others can get into the United States. This is a serious matter of homeland security, and it must be fixed.

Our borders are out of control, and securing our borders is the first step in any serious immigration reform policy. So what are we going to do? Well, just today, I have introduced a bill called the Passport Security bill. It is a simple bill that requires all persons entering the United States that try to come here legally to have a passport.

Mr. Speaker, if you come to the United States and you are from Canada or from Mexico or from one of the Caribbean islands, you do not have to have a passport to get in. You can use any type of document that is acceptable; everything from a birth certificate to a baptismal certificate. Some of our border agents have to be so versed in up to 500 documents from foreign countries before they can let a person come into the United States. It makes it very easy to forge those documents, to come in here illegally when you are trying and pretending to come in here in a legal manner.

So all nations in the world basically require passports to enter their country. We do not do so, with the excep-

tions that I mentioned. So it is time for us to require a passport. A passport does not discriminate. It is the same document used for every individual. I have talked to numerous individuals who are concerned about border security, and they tell me, let us go to passports. Passports do not discriminate. It has a bar code that is in a passport, and it is a universal form of entry into any country. It even could be used by our businesses who have to now become policemen to determine whether or not the person coming into their business that wants a job is here legally, and they check the Social Security card, they try to check their birth certificates, all the documents they have; they do not have to check any of that any more. All they have to have is a passport. If they enter the United States legally, they will have that passport when they go and seek employment as a person trying to legally come into the United States. A passport is the gold standard for entry into all countries, and it is time that we require passports.

Mr. Speaker, the 9/11 Commission, in its extensive report, stated that passports are necessary for entry into the United States. But here we are, we still do not have passport requirements. Why is that? It is because of bureaucracy at the Federal level that does not implement the 9/11 Commission's report. So that is why I have filed this bill, to require a person to show a passport when coming into the United States.

In some cases, Mr. Speaker, people who wish to come into the United States, for example, from Canada, do not even have to show documentation. All they have to do is profess that they are a citizen of that nation. The same is true of Americans who wish to reenter the United States. For example, one of my staff members recently went to Mexico over the August recess, and when she entered Mexico, she was waved through. She was not even asked for identification.

□ 1630

But more importantly, when she reentered the United States, the border agent simply looked into the vehicle which had several passengers and asked, Well, are all of you all American citizens?

Someone replied yes and they were passed into the United States without any search, without any identification. So our borders at border crossings must be protected, and the border between border crossings must be protected. It is a homeland security issue.

Some people have discussed the issue of having a fence to protect the southern border. That is at least worthy of debate on this House floor. If we are going to get serious about protecting our borders, we should at least discuss the issue.

Earlier I mentioned one of the costs that is imposed upon Americans for illegal immigration, and that is health

care. Some say that health care costs in the United States, 20 percent of health care costs are because people are in the system, illegally in the United States.

Now, let us go to the second topic most talked about on this House floor regarding costs, and that is education. Almost every day on this House floor we hear the talk about, oh, the expense of education in the United States. And it is expensive. It is expensive when your kids are in public school all the way through high school.

And you want to talk about expensive, wait until they try to go to college and see how expensive it is. I have four kids in college, and one of them is still in college. It is expensive, education is in the United States.

But all of the talk that we hear about the cost of education, no one wants to talk about the fact that there are people in the system getting an education and Americans are paying for it, once again the people who are illegally in the United States.

Some experts say it is up to 22 percent of education costs re because people are in the system that are benefiting from it, but not paying for it. You know, we have a policy in this country. If you are here, however you got here, legally or illegally, you are going to get an education at the expense of the rest of us. And not only that, you are going to be educated in your own language.

Now, think about that. If we went to a foreign country like France illegally, sneaked into the country, would we have the nerve to go to one of their public schools and demand to be educated not only for free, but in our own language? Of course not. That is absurd.

But yet we do this in our country because it is the policy of this country. Regardless of whether it should be or should not be, it is costing Americans; and Americans have to pay for this expensive education for those who are in the system and do not contribute to it.

Let me give you some examples of that that go to higher education. Let us say a person from Texas wants to go to Kansas to school. Well, Kansas charges that Texas student out-of-state tuition. Why? Because they are not from Kansas. Well, that is all right. Most States have that law.

Let us say a person from a foreign country legally comes to the United States, legally wants to go to Kansas and get an education. And they are admitted on an education visa. They go to Kansas. They pay out-of-state tuition because they are not from Kansas. Makes sense.

But take the third example of a person illegally in the United States in Kansas. They get admitted, first of all, to one of their universities and they pay in-state tuition. That ought not to be. We discriminate against American students. We discriminate against people legally coming into the United States to get an education, to the benefit of people who are illegally here;

and in some States people illegally in the state that go to colleges get admitted into colleges, receive State grants. Maybe those grants ought to go to American citizens.

And now with the competition of higher education so stiff, in some cases Americans are denied entry into a university to the benefit of someone who is admitted because they are illegally in the United States. Once again, this defies common sense. So the two examples, health care costs, education costs. Part of the reason is because there are people here who have benefited from it and not contributed to it.

And the third example that I would like to use is the cost of the criminal justice system. I was a judge for 22 years in Houston, Texas. Heard about 25,000 felony cases, that is serious crime, everything from stealing to killing.

About 20 percent of the people that I saw were in the United States illegally now. Think about that. First of all, they are here illegally. They commit another crime. When convicted, they are sent off to one of our State penitentiaries. Of course, Americans pay for that system. Americans pay for the criminal justice system. We pay for their incarceration. Then when the person serves their time for whatever, robbery or murder, you would think that the law in this country would say that person illegally in the United States that commits a felony and goes to the penitentiary, we would deport them back where they came from.

But that is not what we do. We bring them right back to the county in which they were convicted, and we release them. Why do we do that? Because there is no cooperation by law with the State authorities and Federal authorities on people illegally in the United States and whether they should be deported after they have served their criminal sentence.

So that costs us as well. And some likewise estimate is 18 to 19 percent of our criminal justice costs are because we have people in the United States illegally here committing crimes and having to serve their time. And we pay for that. So these are some examples of issues that the American public has to deal with and deal with immediately.

It is necessary that we as a people come to grips with the issue of illegal immigration and decide what position we are going to take, whether we are going to take a stand for the rule of law or whether we are going to ignore the law.

It would seem to me that the first duty of government is to protect the sovereignty of the Nation, protect the identity of the borders of our Nation. It just seems to me that is what most countries do.

But we have chosen not to do that, for whatever reason. I do not know the reason. But now the time has come for us to enforce the rule of law, enforce border security. It is the right thing to do. It is not the right thing to do to

tell people who come here illegally, that is okay. That is the wrong thing to do.

Mr. Speaker, it is a national security issue. We know that there are terrorists among us. We know they wish to do us harm. Why do we encourage that conduct by having no national policy that enforces the rule of law on our borders? Everybody wants to come to the United States. I do not blame them for that.

I mean, everybody wants to come here, but everybody cannot come to the United States. Everybody cannot live in the United States. So what are we going to do about that? Well, let us have a policy. Let us have a plan. Let us have a plan that works. Let us have a plan that encourages people to come here legally so it does not take 15 years to come into the United States legally as in the example I mentioned to you.

And let us have also a plan that enforces the rule of law and does not encourage illegal conduct, but tells people if you want to come to the United States, do it the right way, do it the legal way or stay home.

You know, we all took oaths as public officials to uphold the Constitution, to protect this country from all enemies, foreign and domestic. And I think part of our obligation is to enforce the rule of law and the sovereignty of the United States.

We call this place the land of the free and the home of the brave, and rightfully so. This very day, we have some of our bravest Americans halfway across the world protecting another country called Iraq. It is important that we in this country care more about Americans than we do about people who are illegally from foreign countries who come into the United States.

So the line is drawn in the sand, Mr. Speaker. And as I mentioned, the battle for Laredo has begun. The battle for our sovereignty is upon us. We will either protect our country or we will not. We will either surrender or we will refuse to surrender. And we cannot surrender our borders to those people who invade our country illegally. It is an invasion. It is a colonization of the United States, and it is illegally being done right under our eyes.

That is just the way it is, Mr. Speaker.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. MARKEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Member (at the request of Mr. GARRETT of New Jersey) to revise and extend his remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies; to the Committee on Government Reform.

S. 1894. An act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies; to the Committee on Ways and Means.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 20, 2005, he presented to the President of the United States, for his approval, the following bills.

H.R. 3765. A bill to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

H.R. 3971. Medicare Cost Sharing and Welfare Extension Act of 2005.

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, October 24, 2005, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4624. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Collection of State Commodity Assessments (RIN: 0560-AH35) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4625. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Additions to Quarantined Areas in Arkansas and Tennessee [Docket No. 05-030-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4626. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Tomato Lycopene Extract and Tomato Lycopene Concentrate [Docket No. 2001C-0486] (formerly Docket No. 01C-0486) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4627. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment—received July 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4628. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Definition of Primary Mode of Action of a Combination Product [Docket No. 2004-N-0194] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4629. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt from Certification; Mica-Based Pearlescent Pigments [Docket No. 1998C-0431] (formerly 98C-0431) received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4630. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Name and Address; Technical Amendment [Docket No. 2005N-0201] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4631. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing, and Handling of Food [Docket No. 1999F-4372] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4632. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Ribonucleic Acid Preanalytical Systems [Docket No. 2005N-0263] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4633. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Dental Devices; Classification of Oral Rinse to Reduce the Adhesion of Dental Plaque [Docket No. 2005N-0338] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4634. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Materials Derived From Cattle in Human Food and Cosmetics [Docket No. 2004N-0081] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4635. A letter from the Director, Contract Policy Division, National Aeronautics and Space Administration, transmitting the Ad-

ministration's final rule — Federal Acquisition Circular 2005-05; Introduction — received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4636. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #6 — Adjustment from the U.S.-Canada Border to Cape Alava, Washington [Docket No. 050426117-5117-01; I.D. 082605A] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4637. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 041126332-5039-02; I.D. 081605D] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4638. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 072105A] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4639. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area I Scallop Access Area to General Category Scallop Vessels [Docket No. 040809233-4363-03; I.D. 083105A] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4640. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090705D] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4641. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine [Docket No. 041130335-5154-02; I.D. 091305E] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4642. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #8 — Adjustment of the Recreational Fishery from the U.S.-Canada Border to Cape Alava, Washington [Docket No. 050426117-5117-01; I.D. 091405H] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4643. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #7 — Closure of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 091405G] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4644. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeastern Multispecies Fishery; Modification of Access to the Eastern U.S./Canada Area [Docket No. 040112010-4114-02; I.D. 063005A] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4645. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072005B] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4646. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska, "Other Rockfish" in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072905A] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4647. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 080305B] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4648. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 080805B] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4649. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 080405B] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4650. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 080805D] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4651. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082905C] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4652. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2005 Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 050719189-5231-05; I.D. 081105E] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4653. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 082305C] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4654. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090205A] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4655. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 070805A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4656. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 071305A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4657. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subsistence Fishing; Correction [Docket No. 050627169-5169-01; I.D. 051804C] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4658. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Grouper Recreational Management Measures [Docket No. 050708183-5183-01; I.D. 070505D] (RIN: 0648-AT45) received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4659. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Non-immigrants on H-1B Visas in Specialty Occupations and as Fashion Models; Labor Attentions Regarding H-1B Visas; — received October 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4660. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Certification for the Perma-

nent Employment of Aliens in the United States; Backlog Reduction (RIN: 1205-AB37) received October 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4661. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Health Care Infrastructure Improvement Program; Selection Criteria of Loan Program for Qualifying Hospitals Engaged in Cancer-Related Health Care [CMS-1287-IFC] (RIN: 0938-AO03) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4662. A letter from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Competitive Acquisition of Outpatient Drugs and Biologicals Under Part B: Interpretation and Correction [CMS-1325-IFC2] (RIN: 0938-AN58) received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4663. A letter from the Regulations Coordinator, CBC, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Prescription Drug Discount Card; Revision of Marketing Rules for Endorsed Drug Card Sponsors [CMS-4063-F] (RIN: 0938-AN97) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. MELANCON, and Mr. JEFFERSON):

H.R. 4090. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POMBO (for himself and Mr. GOODLATTE):

H.R. 4091. A bill to permit certain projects and activities to resume on National Forest System lands by ratifying part 215 of title 36, Code of Federal Regulations, relating to notice, comment, and appeal procedures for such projects and activities; to the Committee on Agriculture.

By Ms. BEAN (for herself and Ms. HART):

H.R. 4092. A bill to amend the Internal Revenue Code of 1986 to allow an additional credit against income tax for the adoption of an older child; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. SIMPSON):

H.R. 4093. A bill to provide for the appointment of additional Federal circuit and district judges, to improve the administration of justice, and for other purposes; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 4094. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 4095. A bill to amend titles II and XVI of the Social Security Act to provide for equitable treatment of disability beneficiaries with waxing and waning medical conditions; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. SIMMONS, Mr. SHAW, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. FOLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALDEN of Oregon, Mr. HUNTER, Mr. MCHUGH, Mr. KING of New York, Mr. MCCOTTER, Mr. KUHL of New York, Mr. PAUL, Mr. SESSIONS, Mr.

FORTUÑO, Mrs. CAPITO, Mr. HOSTETTLER, Mr. MURPHY, Mrs. KELLY, Mr. BISHOP of Utah, Mr. GARY G. MILLER of California, Mr. GARRETT of New Jersey, and Mr. LINDER):

H.R. 4096. A bill to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. BLUNT, Mr. JINDAL, Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. KLINE, Mrs. MUSGRAVE, Miss MCMORRIS, Mr. MARCHANT, Mr. FORTUÑO, Mr. BOUSTANY, Ms. FOXX, Mrs. DRAKE, Mr. BARTLETT of Maryland, Mr. HOEKSTRA, Mr. WELDON of Florida, Mr. WICKER, Mr. BRADY of Texas, Mr. PITTS, Mr. SESSIONS, Mr. CULBERSON, Mr. BURGESS, Mr. COLE of Oklahoma, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. MCHENRY, Mr. POE, and Mr. DELAY):

H.R. 4097. A bill to direct the Secretary of Education to establish a Family Education Reimbursement Account Program to assist hurricane displaced students during the 2005-2006 school year, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RAMSTAD:

H.R. 4098. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCAUL of Texas (for himself, Mr. BOREN, Mrs. DRAKE, Mr. SMITH of Texas, and Mr. CULBERSON):

H.R. 4099. A bill to amend the Homeland Security Act of 2002 to authorize the Citizen Corps and establish the Border Corps, and for other purposes; to the Committee on Homeland Security.

By Mr. BAKER:

H.R. 4100. A bill to establish the Louisiana Recovery Corporation for purposes of economic stabilization and redevelopment of devastated areas in Louisiana, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself, Mr. ACKERMAN, Mrs. MCCARTHY, Mr. ISRAEL, Mr. McNULTY, Mr. CROWLEY, Mr. ENGEL, Mr. KUHL of New York, Mr. SERRANO, Mr. BOEHLERT, Mr. KING of New York, Mr. FOSSELLA, Mr. HIGGINS, Mr. WALSH, Mr. HINCHY, Mr. NADLER, Mr. WEINER, Mr. OWENS, Ms. VELAZQUEZ, Mrs. MALONEY, Mrs. LOWEY, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. TOWNS, Mr. RANGEL, Mr. SWEENEY, Mr. MCHUGH, Mr. MEEKS of New York, and Mrs. KELLY):

H.R. 4101. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building"; to the Committee on Government Reform.

By Mr. BROWN of Ohio:

H.R. 4102. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health care emergencies; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. DINGELL, Mr. RANGEL, Mr. WAXMAN, Mr. STARK, and Ms. SCHAKOWSKY):

H.R. 4103. A bill to amend title XVIII of the Social Security Act to provide for improved accountability in the Medicare Advantage and prescription drug programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 4104. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified long-term care services in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. BUTTERFIELD:

H.R. 4105. A bill to amend the Wild and Scenic Rivers Act to designate the Perquimans River and its tributaries in Perquimans County, North Carolina, for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. CASTLE (for himself, Mr. PLATTS, Mr. BACHUS, Mr. WELDON of Pennsylvania, Mr. KIRK, and Mr. FITZPATRICK of Pennsylvania):

H.R. 4106. A bill to provide for the security and safety of rail transportation systems in the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. CUMMINGS (for himself, Mr. HOYER, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. VAN HOLLEN, and Mr. RUPPERSBERGER):

H.R. 4107. A bill to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building"; to the Committee on Government Reform.

By Mr. CUMMINGS (for himself, Mr. WYNN, Mr. VAN HOLLEN, Mr. HOYER, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, and Mr. RUPPERSBERGER):

H.R. 4108. A bill to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the "State Senator Verda Welcome and Dr. Henry Welcome Post Office Building"; to the Committee on Government Reform.

By Mr. CUMMINGS (for himself, Mr. HOYER, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. VAN HOLLEN, and Mr. RUPPERSBERGER):

H.R. 4109. A bill to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office"; to the Committee on Government Reform.

By Mr. EMANUEL (for himself, Mr. DEFAZIO, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. ALLEN, Mr. BUCHER, Mr. CLAY, Mr. COSTELLO, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLT, Mr. KILDEE, Mr. LARSON of Connecticut, Ms. LEE, Mr. MCGOVERN, Mrs. MALONEY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Ms. MCCOLLUM of Minnesota, Mr. NADLER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, and Mr. WEXLER):

H.R. 4110. A bill to require grants to State and local governments for infrastructure and social services needs in the same amount as the amount of relief and reconstruction funds provided to Iraq; to the Committee on Government Reform.

By Mr. FORTUÑO:

H.R. 4111. A bill to redesignate the Caribbean National Forest in the Commonwealth of Puerto Rico as the El Yunque National Forest; to the Committee on Resources.

By Mr. HASTINGS of Florida (for himself, Mr. OWENS, and Ms. WASSERMAN SCHULTZ):

H.R. 4112. A bill to direct the Secretary of Homeland Security to establish national emergency centers on military installations; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

sions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 4113. A bill to provide for a reduction in pay for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself, Mr. SMITH of New Jersey, and Mrs. EMERSON):

H.R. 4114. A bill to prohibit the sale of crude oil, gasoline, diesel fuel, natural gas, or petroleum distillates at an unjust or unreasonable price; to the Committee on Energy and Commerce.

By Mr. MARSHALL:

H.R. 4115. A bill to designate the facility of the United States Postal Service located at 118 East Hancock Street in Milledgeville, Georgia, as the "Boddie Davis Simmons Post Office Building"; to the Committee on Government Reform.

By Mrs. MCCARTHY:

H.R. 4116. A bill to prohibit the Secretary of Transportation from requiring the sounding of a locomotive horn in suburban areas in nonpeak traffic hours; to the Committee on Transportation and Infrastructure.

By Mr. MELANCON (for himself, Mr. JEFFERSON, Mr. JINDAL, Mr. BAKER, Mr. BOUSTANY, Mr. ALEXANDER, and Mrs. MALONEY):

H.R. 4117. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 4118. A bill to prohibit Federal payments to any individual, business, institution, or organization that engages in human cloning; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 4119. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 4120. A bill to eliminate the Western Hemisphere travel exception by requiring a passport for all travel into and out of the United States and to require the Secretary of State to endeavor to persuade all countries to issue machine-readable passports that comply with a uniform document identifying standard; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SODREL:

H.R. 4121. A bill to amend title 10, United States Code, to extend military commissary and exchange store privileges to veterans with a compensable service-connected disability and to their dependents; to the Committee on Armed Services.

By Mr. TANNER:

H.R. 4122. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. WILSON of South Carolina, and Mr. BROWN of South Carolina):

H.R. 4123. A bill to amend section 44706 of title 49, United States Code, to require operating certificates for airports at which large cargo operations are conducted; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California:

H.J. Res. 69. A joint resolution relating to a national emergency declared by the President on September 8, 2005; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself,

Mr. BURGESS, Mr. GONZALEZ, Mr. CONAWAY, Mr. CARTER, Mr. SESSIONS, Mr. RADANOVICH, Mr. WHITFIELD, Mr. UPTON, Mrs. CUBIN, Mr. BASS, Mr. SMITH of Texas, Mr. SHADEGG, Mr. BOUSTANY, Mr. PICKERING, Mr. TOWNS, Mr. LEWIS of California, Mr. BILIRAKIS, Mr. MARKEY, Mr. MCGOVERN, Mr. HENSARLING, Mr. ORTIZ, Ms. KILPATRICK of Michigan, Mr. LINCOLN DIAZ-BALART of Florida, Mr. OTTER, Mr. MARCHANT, Mr. GENE GREEN of Texas, Mr. EDWARDS, Mr. MCCAUL of Texas, Mr. HALL, Mr. CALVERT, Mr. SULLIVAN, Mrs. CAPPS, Mr. BACHUS, Mr. MURPHY, Mr. FITZPATRICK of Pennsylvania, Mr. CANTOR, Ms. JACKSON-LEE of Texas, Mr. NORWOOD, Mrs. BONO, Mr. WALDEN of Oregon, Mr. GILLMOR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BORDALLO, Mr. RUSH, Mr. BUYER, Mr. CASTLE, Mr. BOEHLETT, Mr. STEARNS, and Mr. TERRY):

H. Con. Res. 269. Concurrent resolution recognizing the 40th anniversary of the White House Fellows Program; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself and Mr. MEEKS of New York):

H. Con. Res. 270. Concurrent resolution expressing the sense of the Congress to honor those in Pakistan who lost their lives as a result of the earthquake that affected South Asia on October 8, 2005; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself,

Mr. RANGEL, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. WATT, Mr. ABERCROMBIE, Mr. SCOTT of Georgia, Mr. FILNER, Mr. MCDERMOTT, Mr. McNULTY, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, and Ms. WASSERMAN SCHULTZ):

H. Con. Res. 271. Concurrent resolution honoring the life and accomplishments of Judge Constance Baker Motley and recognizing her as a symbol of hope and inspiration for all men and women; to the Committee on the Judiciary.

By Mr. WEXLER (for himself and Ms. HARRIS):

H. Con. Res. 272. Concurrent resolution expressing support for the current standards of the Federal mortgage interest tax deduction; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H. Res. 504. A resolution commending the people of the Republic of Iraq for holding a successful referendum on a new constitution for Iraq; to the Committee on International Relations.

By Mr. KUCINICH:

H. Res. 505. A resolution requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the White House Iraq Group; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. MATSUI.

H.R. 500: Mr. BONILLA.
H.R. 558: Ms. DELAURO.
H.R. 583: Mr. STARK.
H.R. 602: Mr. MEEKS of New York.
H.R. 759: Ms. SCHWARTZ of Pennsylvania.
H.R. 772: Mr. FORTUÑO, Mr. ENGLISH of Pennsylvania, Mr. HALL, and Mr. SIMMONS.
H.R. 809: Mr. GOODE.
H.R. 827: Mr. WELLER and Mr. ENGLISH of Pennsylvania.
H.R. 839: Ms. HOOLEY, Mr. RANGEL, and Mr. UDALL of New Mexico.
H.R. 896: Mr. FARR.
H.R. 923: Mr. RAHALL, Mr. MORAN of Virginia, Mr. BOEHLERT, Mr. BERRY, Ms. MILLENDER-MCDONALD, and Mr. REYNOLDS.
H.R. 952: Mr. JACKSON of Illinois.
H.R. 983: Mr. STARK.
H.R. 1130: Mrs. CAPPS and Mr. DOYLE.
H.R. 1131: Mr. FATTAH and Mr. JACKSON of Illinois.
H.R. 1241: Mr. MARCHANT.
H.R. 1243: Mr. BROWN of South Carolina.
H.R. 1246: Mrs. SCHMIDT.
H.R. 1249: Mr. MICHAUD.
H.R. 1262: Mr. ROTHMAN.
H.R. 1298: Mr. WHITFIELD.
H.R. 1366: Mrs. JO ANN DAVIS of Virginia.
H.R. 1431: Mrs. DAVIS of California and Mr. THOMPSON of California.
H.R. 1443: Mr. CUMMINGS.
H.R. 1471: Mr. LARSON of Connecticut and Mr. STARK.
H.R. 1510: Mrs. NORTHUP.
H.R. 1561: Mr. LARSEN of Washington, Mr. PETERSON of Minnesota, and Mr. SOUDER.
H.R. 1591: Mr. EVANS.
H.R. 1592: Mr. EVANS.
H.R. 1633: Mr. PLATTS.
H.R. 1723: Mr. CONYERS.
H.R. 1736: Mr. SHAYS.
H.R. 1973: Mr. HYDE.
H.R. 1994: Mr. MARKEY and Ms. CARSON.
H.R. 2012: Mr. SHIMKUS.
H.R. 2014: Mr. GARY G. MILLER of California, Ms. BERKLEY, and Mrs. BONO.
H.R. 2112: Mr. BURTON of Indiana and Mr. HULSHOF.
H.R. 2134: Mr. MCGOVERN, Mr. LARSEN of Washington, and Mr. THOMPSON of Mississippi.
H.R. 2177: Mr. Strickland, Mr. MICHAUD, and Mr. SWEENEY.
H.R. 2211: Mr. INGLIS of South Carolina and Mr. PITTS.
H.R. 2231: Mr. ALLEN, Mr. LYNCH, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, Mr. HEFLEY, Mr. HONDA, Mr. MICHAUD, Mr. BURTON of Indiana, Mr. HINOJOSA, Ms. LEE, and Mr. SIMMONS.
H.R. 2257: Mr. WEXLER and Mr. BRADY of Texas.
H.R. 2317: Mr. WELDON of Pennsylvania and Mrs. DAVIS of California.
H.R. 2327: Mr. ENGEL.
H.R. 2356: Mr. WALSH, Mr. NADLER, Mrs. NAPOLITANO, Mr. BROWN of South Carolina, and Mr. WILSON of South Carolina.
H.R. 2359: Mr. OWENS.
H.R. 2389: Ms. GRANGER.
H.R. 2412: Mr. CONYERS.

H.R. 2471: Mr. SIMPSON.
H.R. 2669: Mr. ALLEN, Mr. BRADY of Pennsylvania, Mr. CLYBURN, and Mr. RYAN of Ohio.
H.R. 2679: Mr. JINDAL.
H.R. 2727: Mr. BRADY of Pennsylvania.
H.R. 2835: Mr. THOMPSON of Mississippi and Mr. ALLEN.
H.R. 2861: Mr. DUNCAN.
H.R. 2872: Mr. CONYERS, Mr. SOUDER, Mr. DOYLE, Mr. FOSSELLA, Mr. ROSS, and Mr. LIPINSKI.
H.R. 2926: Mr. PRICE of North Carolina.
H.R. 2928: Mr. ETHERIDGE.
H.R. 3063: Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Ms. SCHWARTZ of Pennsylvania, Mr. BERMAN, and Mr. DOGGETT.
H.R. 3127: Mr. OWENS, Mr. TAYLOR of North Carolina, Mr. ROTHMAN, Mr. LYNCH, and Ms. ESHOO.
H.R. 3137: Mr. HALL, Mr. ROGERS of Alabama, Mr. FEENEY, Mr. GERLACH, Mr. THORNBERRY, and Mr. SOUDER.
H.R. 3151: Mr. STARK, Ms. WASSERMAN SCHULTZ, and Mr. RUPPERSBERGER.
H.R. 3157: Ms. KILPATRIK of Michigan.
H.R. 3296: Mr. FATTAH.
H.R. 3312: Mr. UDALL of Colorado.
H.R. 3334: Mr. PUTNAM, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, and Ms. ZOE LOFGREN of California.
H.R. 3369: Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, and Ms. SCHWARTZ of Pennsylvania.
H.R. 3373: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Mr. THORNBERRY, Mr. CUMMINGS, and Mr. WYNN.
H.R. 3427: Mr. SHAYS.
H.R. 3436: Mr. CONAWAY.
H.R. 3459: Mr. MCINTYRE.
H.R. 3476: Mr. GILCHREST.
H.R. 3478: Mr. HOLT.
H.R. 3532: Mr. MCCOTTER.
H.R. 3546: Mr. WEXLER.
H.R. 3561: Mr. MEEK of Florida and Ms. DELAURO.
H.R. 3604: Mr. BERMAN.
H.R. 3617: Mr. SESSIONS.
H.R. 3638: Mr. KUHL of New York.
H.R. 3644: Mr. JOHNSON of Illinois.
H.R. 3662: Mr. OLVER.
H.R. 3698: Mr. BRADY of Pennsylvania and Mrs. JONES of Ohio.
H.R. 3758: Mr. CONYERS.
H.R. 3778: Mr. MILLER of Florida, Mr. GRIJALVA, Ms. HARRIS, and Mr. HONDA.
H.R. 3796: Mr. FATTAH and Mr. LYNCH.
H.R. 3810: Mr. SOUDER.
H.R. 3860: Mrs. MYRICK.
H.R. 3870: Mr. PAUL.
H.R. 3889: Mrs. WILSON of New Mexico and Mr. CAMP.
H.R. 3903: Mr. BEAUPREZ and Mr. AKIN.
H.R. 3904: Mr. BEAUPREZ and Mr. AKIN.
H.R. 3906: Mr. BEAUPREZ and Mr. AKIN.
H.R. 3922: Mr. JINDAL, Mr. SKELTON, Mr. ABERCROMBIE, and Mr. CLEAVER.
H.R. 3940: Mr. BRADY of Pennsylvania.
H.R. 3949: Mr. HALL, Mr. McNULTY, and Mr. HEFLEY.

H.R. 3952: Mr. SCOTT of Georgia.
H.R. 3960: Mr. PUTNAM, Mr. BOEHNER, and Mr. HERGER.
H.R. 3966: Mr. MOORE of Kansas.
H.R. 4011: Mr. CLAY and Mr. LEWIS of Georgia.
H.R. 4015: Mr. PETERSON of Minnesota and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4032: Mr. CARTER, Mr. ADERHOLT, Mr. GARRETT of New Jersey, and Mr. GOODE.
H.R. 4033: Mrs. DAVIS of California and Mr. NORWOOD.
H.R. 4034: Mr. BURTON of Indiana and Mr. HOEKSTRA.
H.R. 4035: Mr. MILLER of Florida.
H.R. 4044: Mr. REYES.
H.R. 4047: Mr. LOBIONDO.
H.R. 4048: Mr. MENENDEZ.
H.R. 4062: Mr. BOUCHER, Ms. SCHAKOWSKY, Mr. HONDA, Mr. LANTOS, Mr. RANGEL, Mr. McDERMOTT, Mr. FRANK of Massachusetts, Ms. CARSON, Mr. HINCHEY, Mrs. DAVIS of California, Ms. WASSERMAN SCHULTZ, Ms. KILPATRIK of Michigan, Mr. SERRANO, Mr. ABERCROMBIE, Mr. FILNER, and Mr. KENNEDY of Rhode Island.
H.R. 4063: Mrs. BLACKBURN, Mr. CLAY, Mr. VAN HOLLEN, Mr. COOPER, Mr. McNULTY, Mr. ISRAEL, Mr. RANGEL, Mr. LAHOOD, Mr. PRICE of North Carolina, Mr. HIGGINS, Mr. BOSWELL, Mr. DUNCAN, Mr. MENENDEZ, Mr. KING of New York, and Mr. WHITFIELD.
H.R. 4079: Mr. BEAUPREZ and Mr. GINGREY.
H. Con. Res. 172: Mr. LEVIN.
H. Con. Res. 179: Mr. LIPINSKI.
H. Con. Res. 210: Mr. POMBO, Mr. BLUMENAUER, Mr. BOUCHER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PICKERING, Mr. RADANOVICH, Mr. GOHMERT, Ms. JACKSON-LEE of Texas, and Mrs. BLACKBURN.
H. Con. Res. 228: Mrs. JO ANN DAVIS of Virginia and Mr. HINOJOSA.
H. Con. Res. 230: Mr. HALL.
H. Con. Res. 231: Mr. LAHOOD.
H. Con. Res. 254: Mr. ROTHMAN and Ms. WASSERMAN SCHULTZ.
H. Con. Res. 260: Mr. SMITH of New Jersey, Mr. RANGEL, Mr. ISRAEL, Mr. SHERMAN, and Mr. WEXLER.
H. Con. Res. 265: Mr. KOLBE.
H. Res. 137: Mr. BEAUPREZ, Mr. BRADY of Texas, Mr. MCINTYRE, Mr. AKIN, and Mr. GOHMERT.
H. Res. 215: Mrs. MUSGRAVE.
H. Res. 458: Mr. HOLT and Mr. CASE.
H. Res. 479: Mr. BERMAN, Mr. CONYERS, Mr. ENGEL, Mr. MCGOVERN, Mr. McNULTY, Mrs. MALONEY, Mr. PALLONE, Mr. KIRK, and Mr. SMITH of New Jersey.
H. Res. 483: Mr. MCGOVERN.
H. Res. 485: Mr. LEVIN and Mr. BERRY.
H. Res. 488: Mr. SIMMONS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS
Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 551: Mr. FRANKS of Arizona.